The House met at noon and was called to order by the Speaker pro tempore (Mr. Tom Davis of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 19, 2005.
I hereby appoint the Honorable Tom Davis to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

PRAAYER
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of this Nation and the universe:

In 1787 the United States Constitution was written. The text itself was completed on September 17 of that year. As the law of this land, it still serves as the foundation upon which the three branches of government stand. It remains the measurement of all laws of the courts and the embodiment of the principles which all government officials and citizens promise to uphold and defend. By Divine Providence may this document be preserved always.

May Your omnipresent Spirit bring light and freshness in our day all the Constitution contains and directs. Its first three words—"We the people"—affirm that the government of the United States exists to serve its citizens. As the world’s longest surviving written charter of government, may it be a guiding signal to other nations and peoples. As the solemn expression of this country’s identity, may it be brought to fruition by the people of this Nation who live law-abiding lives and foster a more perfect Union, work to establish justice, and ensure domestic tranquility every day of their lives.

We beg for Your grace, Almighty God, to do this for our good, the common good shared with others, and to give You glory now and forever. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.
Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUOE OF REPRESENTATIVES,
WASHINGTON, DC, September 16, 2005.

Hon. J. Dennis Hastert,
The Speaker, House of Representatives,
Washington, DC.

DEAR Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 16, 2005, at 10:25 a.m.: That the Senate passed without amendment H.R. 359.
That the Senate passed without amendment H.R. 3668.
That the Senate passed without amendment H.R. 3672.

With best wishes, I am
Sincerely,
Jeff Trandahl,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore Thornberry signed the following enrolled bills on Friday, September 16, 2005:
H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell grants who are adversely affected by a natural disaster;
H.R. 3668, to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster;
H.R. 3672, to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

ENROLLED BILLS SIGNED
Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:
H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.
H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.
H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

BILLs PRESENTED TO THE PRESIDENT
Jeff Trandahl, Clerk of the House, reports that on September 15, 2005, he presented to the President of the United States, for his approval, the following bills.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o’clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 20, 2005, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first, second and third quarter of 2005, pursuant to Public Law 95-384.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. YOUNG O. KIM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 6, 2005

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
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</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Transportation cost is inclusive for both countries.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. WILLIAM KOETZEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 15 AND AUG. 24, 2005

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</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 31 AND AUG. 10, 2005

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<thead>
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</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.
4 This is Commercial air, Lima to Chengdu.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, MONGOLIA AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 8, 2005

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
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<th>Transportation</th>
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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, MONGOLIA AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 8, 2005

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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. dollar is used, enter amount expended.
3 Military air transportation.
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### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEY AND INVESTIGATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

**HOUSE COMMITTEES**

**JERRY LEWIS, Chairman, July 22, 2005.**

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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1 Per diem constitutes lodging and meals.

2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3 Military air transportation.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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<th>Per diem</th>
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Committee total:

Per diem constitutes lodging and meals.
3 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3 Military air transportation.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

<table>
<thead>
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<th>Name of Member or employee</th>
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<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
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</table>

Committee total:

Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3 Military air transportation.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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<thead>
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<th>Name of Member or employee</th>
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<th>Per diem</th>
<th>Transportation</th>
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Committee total:

Per diem constitutes lodging and meals.
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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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<th>Country</th>
<th>Per diem</th>
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<th>Other purposes</th>
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Committee total:

Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
2 Military air transportation.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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<th>Name of Member or employee</th>
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Committee total:

Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
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Committee totals: $11,097.00, $5,298.21, $16,395.21

1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, July 27, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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Committee totals: $2,612.66, $63,969.75, $66,582.41

1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Christopher Cox, Chairman, Aug. 2, 2005.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

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Committee totals: $4,636.75, $63,969.75, $68,606.50

1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
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*Note: The table above represents a list of foreign travel expenditures for members and employees of the U.S. House of Representatives, including dates of travel, countries visited, and expenses incurred. The expenses are listed in both foreign currency and U.S. dollar equivalents. The total includes transportation costs and other purposes. The table is sorted by date of departure.*
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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Round trip airfare.
4 Indicates delegation costs.

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**AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005**

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<th>Date</th>
<th>Country</th>
<th>Per diem 1</th>
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<th>Other purposes</th>
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</thead>
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<td>Foreign currency</td>
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</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.
### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

**3959.** A letter from the Secretary, Department of Agriculture, transmitting a draft bill, “to authorize the Secretary of Agriculture, at the request of a participating State, to convey to the State, by quitclaim deed, without consideration, any land or interests in land acquired within the State under the Forest Legacy Program”; to the Committee on Agriculture.

**3960.** A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-11, pursuant to 31 U.S.C. 1317(b); to the Committee on Appropriations.

**3961.** A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-01, pursuant to 31 U.S.C. 1317(b); to the Committee on Appropriations.

**3962.** A letter from the Comptroller, Department of Defense, transmitting the Department’s quarterly report as of June 30, 2005, entitled, “Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,” pursuant to 10 U.S.C. 2008; to the Committee on Armed Services.

**3963.** A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on International Relations.

**3964.** A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1621(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13333 of July 31, 2004, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2005; to the Committee on International Relations.

**3965.** A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961, to provide assistance to the United Nations Democracy Fund; to the Committee on International Relations.

**3966.** A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insap, Gen. Act) section 5(b); to the Committee on Government Reform.

**3967.** A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

**3968.** A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

**3969.** A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

**3970.** A letter from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting the Department’s Annual Progress Report to Congress, covering emergency activities and DoC-specific activities between May 2004 and May 2005, pursuant to Public Law 106-107, section 5; to the Committee on Government Reform.

**3971.** A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

**3972.** A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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**Table: Report of Expenditures for Official Foreign Travel, Committee on Transportation and Infrastructure, House of Representatives, Expended Between Apr. 1 and June 30, 2005**

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. John Mica</td>
<td>4/01</td>
<td>4/05</td>
<td>Italy</td>
<td>2,038.52</td>
<td>660.00</td>
<td>1,378.52</td>
<td>3,076.02</td>
</tr>
<tr>
<td>Hon. Lincoln Davis</td>
<td>4/09</td>
<td>4/13</td>
<td>Jordan</td>
<td>508.00</td>
<td>508.00</td>
<td>1,016.00</td>
<td>1,524.00</td>
</tr>
<tr>
<td>Hon. Lincoln Davis</td>
<td>4/11</td>
<td>4/15</td>
<td>Germany</td>
<td>264.00</td>
<td>6,965.20</td>
<td>1,030.69</td>
<td>8,260.90</td>
</tr>
<tr>
<td>Hon. James Oberstar</td>
<td>5/02</td>
<td>5/06</td>
<td>Spain</td>
<td>1,038.52</td>
<td>6,965.20</td>
<td>1,030.69</td>
<td>9,034.41</td>
</tr>
<tr>
<td>Committee total</td>
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<td></td>
<td></td>
<td>7,079.52</td>
<td>13,658.18</td>
<td>5,301.70</td>
<td>25,039.40</td>
</tr>
</tbody>
</table>

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**Table: Report of Expenditures for Official Foreign Travel, Committee on Standards of Official Conduct, House of Representatives, Expended Between Apr. 8 and Apr. 25, 2005**

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Bob Beauprez</td>
<td>04/08</td>
<td>04/12</td>
<td>Jordan</td>
<td>762.00</td>
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<td>1,270.00</td>
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<tr>
<td>Hon. Ron Lewis</td>
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<td>04/09</td>
<td>Iraq</td>
<td>122.00</td>
<td>508.00</td>
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</tr>
<tr>
<td>Hon. James Oberstar</td>
<td>04/02</td>
<td>04/05</td>
<td>Germany</td>
<td>169.00</td>
<td>6,965.20</td>
<td>273.55</td>
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<td></td>
<td>1,521.00</td>
<td>13,658.18</td>
<td>630.00</td>
<td>19,809.18</td>
</tr>
</tbody>
</table>

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Notes:
1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent; if U.S. dollar is used, enter amount expended.
3. Military air transportation.

**Table: Report of Expenditures for Official Foreign Travel, Committee on Ways and Means, House of Representatives, Expended Between Apr. 1 and June 1, 2005**

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
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3. Military air transportation.

**Table: Report of Expenditures for Official Foreign Travel, Committee on Government Reform, House of Representatives, Expended Between Apr. 1 and June 30, 2005**

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
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CONGRESSIONAL RECORD
— September 19, 2005

DUN YOUNG, Chairman, Aug. 2, 2005.

WILLIAM M. THOMAS, Chairman, July 29, 2005.

DOC HASTINGS, Chairman, Aug. 4, 2005.
3973. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the fiscal year ending March 31, 2005, pursuant to 5 U.S.C. app. (Inst. Gen. Act) section 5(b); to the Committee on Government Reform.


3975. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, “to authorize the Secretary of the Interior to enter into cooperative agreements with State, local, and voluntary agencies to participate in fish habitat conservation projects in watersheds that flow through the United States”; to the Committee on Resources.

3976. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance with the time limitations established for deciding cases in the Administrative Office of the United States Courts; to the Committee on the Judiciary.

3983. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Bomardier Model DC-9-23, 2000, 3000, and 4000 Series Airplanes [Docket No. FAA-2005-20183; Directive Identifier 2006-NE-60-1; Amendment 39-14171; AD 2005-13-31] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3984. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 777-200 and –300 Series Airplanes [Docket No. FAA-2005-20176; Directive Identifier 2004-NM-242-A; Amendment 39-14166; AD 2005-13-29] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3985. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 777-200 and –300 Series Airplanes [Docket No. FAA-2005-20176; Directive Identifier 2004-NM-242-A; Amendment 39-14166; AD 2005-13-29] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 737-300, -400, and –500 Series Airplanes [Docket No. FAA-2004-18533; Directive Identifier 2004-NM-31-A; Amendment 39-14164; AD 2005-13-27] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; McDonnell Douglas Airbus Model DC-9-10 Series Airplanes; Model DC-9-20 Series Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-40 Series Airplanes; Model DC-9-50 Series Airplanes; Model DC-9-60 Series Airplanes; Model DC-9-70 Series Airplanes; and Model DC-9-80 Series Airplanes [Docket No. FAA-2004-20871; Directive Identifier 2004-NM-212-A; Amendment 39-14169; AD 2005-13-32] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

[Filed on Sept. 16, 2005]

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar of the House.

Mr. HYDE: Committee on International Relations. House Resolution 375. Resolution requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communications with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; adversely (Rept. 109-222). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 408. Resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the Secretary and the Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq; adversely (Rept. 109-224). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 419. Resolution directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109-225). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

(The following action occurred on September 16, 2005)

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H. R. 1461 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.
The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our Lord, sustainer of all life. This week, as we remember the ratification of our Constitution, remind us that without You we are powerless. Sometimes we feel like collapsing beneath the challenges. When we try to face temptations alone, we too often are defeated. When we seek to meet sorrow without Your presence, our wounds remain unhealed. We are too often fascinated by evil and bored by goodness.

Without You, Lord, we not only cannot know what is right but have no power to do it. Empower the Members of this body today with the blessings of Your presence. Be with each of them to help, to guide, to comfort, and to sustain; grant that whatever light may shine or shadow fall, they may walk in Your wisdom. Keep us all in Your will until we reach our journey's end.

We pray in the Name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will open with a period for morning business for 60 minutes. Following that time, the Senate will resume consideration of the Agriculture appropriations bill which we began last Thursday. While we have no votes today, I encourage Members who intend to offer amendments to notify the bill managers and begin offering their amendments this afternoon. We will stack votes for Tuesday morning and hope to finish this bill early this week.

MEASURES PLACED ON THE CALENDAR—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1715) to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

A bill (S. 1716) to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3 p.m. with time equally divided.

The Senator from Massachusetts is recognized.

HURRICANE KATRINA

Mr. KENNEDY. Mr. President, I thank the majority leader for taking the parliamentary steps that are going to permit us to consider some emergency help and assistance for New Orleanians and the gulf area, in the area of education in particular. We are going to have more to say about that in a very short period of time. We want our friends there to know help really is on the way, particularly in the areas of education and health.

On Friday, 13 of my colleagues and I visited the stricken city of New Orleans and the gulf coast to see Katrina's devastation firsthand and hear from the affected residents. Like so many millions of Americans, I have been moved by the news coverage of Katrina and her brutal aftermath for the past 3 weeks. But nothing I have seen on television, nothing I have read in the newspapers, and nothing I have heard from the survivors we have embraced in Massachusetts could prepare me for the staggering scope of the devastation when witnessed firsthand.

The destruction is massive in its scope. In many areas, the destruction is total. Much of New Orleans is a ghost town. Troops and police patrol eerily quiet streets. The desolation is frighteningly real.

At least 40 percent of New Orleans was devastated by the calamity. We could see the high water marks on buildings, far above our heads. Debris is strewn everywhere. Massive amounts of muck, black as ink and ringed with the rainbow swirls of oil and chemicals, cover everything.

For so many of our fellow citizens—from New Orleans and throughout the gulf region—there is nothing to return to. In Mississippi, entire communities are completely gone. All that is left is concrete slabs where families once lived. Even the old oaks that graced Mississippi's historic shoreline for generations could not withstand Katrina's wrath.
Survivors’ stories are heartwrenching. Three babies died at the New Orleans convention center from heat exhaustion. A first responder at the convention center found he was the only doctor for 10,000 people. Dozens of elderly residents died of heat stroke and kidney failure. One woman waded through the floodwaters to Charity Hospital, floating her husband’s body alongside her on a door.

In Pass Christian, MS, the police heroically stayed behind and braved the storm to rescue as many people as they could. Finally, as the flood waters were rising, they saved themselves by climbing onto the roof of the police station and watched their cruiser below tossed by the surging tide.

Rescue workers we spoke with there found some 80 bodies—many in the attics of their homes, dead after desperately trying to claw their way through the roof to survival. Scratch marks were visible on the rooftops.

The city’s mayor is still missing. But the city attorney has been named acting mayor and has stepped up as a leader with determination and compassion, helping people recover and rebuild their lives.

So much has been destroyed. But the spirit of the people we met remains strong. Like Job of the Old Testament, these people have had everything they own and cherish torn from their grasp. But they are determined to recover and rebuild their lives. They still have hope—and we must do all we can to help them.

I was inspired by the heroism of the relief workers, the military, the churches, neighbors, friends, strangers—all coming together to support those in need—truly America at its best. Those we met on Friday were physically and emotionally exhausted. There still does not seem to be enough time each day to help all those who need it. They still have enough energy to heal the many broken hearts. Relief workers have suffered broken bones, sprained ankles, sunburns, dehydration, and infections from the contaminated floodwaters. But they press on, for they know there is so much remaining to be done. Those we met have an unyielding determination to rebuild that treasured region and rejuvenate its unique spirit.

The work they do every minute, every hour, every day since Katrina struck, helps us all—our whole American family. They need to know that we are listening, and that we hear their concerns. We will not ignore them or put them aside. They deserve our leadership and our support, and we must prove to them that we are equal to the task.

My wife Vicki and her family hail from the New Orleans area, and Vicki lived several years in the city. Her family’s deep roots there lend a special perspective to our concerns about the many affected by this terrible storm. Such a treasured and vibrant part of our Nation deserves nothing less than our best efforts as Senators to help it rebuild better than ever.

States across the country are responding, and I am proud of Massachusetts’s efforts. Almost 500 Army and Air National Guard soldiers and airmen from our State have been sent to provide direct support to the hurricane victims as part of Operation Helping Hand. They are performing functions as diverse as security, command and control, law enforcement, community safety, community outreach, including mental health care, and spiritual guidance. The Massachusetts Guard has also activated an additional 150 persons for indirect support, staffing the joint operations center and helping with logistics and airlifts. We have shipped more than 200 tons of cargo using 17 aircraft, including humvees, trucks, trailers, generators, a field ambulance, meals ready to eat, water, cots, tents, and medical supplies.

There are almost 200 evacuees now living at Camp Edwards on Otis Air Force Base on Cape Cod. We have enrolled them in health care plans, helped children find their parents, offered mental health counseling, and enabled those who qualify for veterans benefits and other benefits to continue to receive them without interruption or delay—anything to make them feel welcome and at home.

For the evacuees who express interest in staying in Massachusetts, we are working with local housing authorities to have them placed in our towns, and the Black Ministerial Alliance has welcomed them into our congregations. FEMA will pay for plane tickets anywhere in the United States to reunite the evacuees with their family and friends.

Finding employment for evacuees and schooling for their children are top priorities, and Massachusetts businesses and schools are eagerly lending a helping hand. Several have already found employment, and a job fair at the base has helped others.

Massachusetts colleges have been eager to pitch in as well. Sixty public, private, and community colleges have enrolled over 1,000 displaced students and offered to assist them with financial aid. Displaced undergraduates will be able to attend public colleges and universities tuition-free. And many campuses have offered to expedite admission and residence halls for those seeking secure housing. UMass Amherst has already enrolled more than a dozen undergraduate students and is housing them in local hotels until more permanent housing is secured. Boston University has accepted 321 displaced students. Boston College has accepted 150 students from Loyola and Tulane. Amherst is taking in students from Xavier and Tulane. Amherst and Williams College have invited faculty from Xavier to join their campuses for the semester.

Katherine Barnett, a graduate student from Tulane, is now attending Boston University. ‘I didn’t think attending BU was going to be an option, but everyone there has been totally great,’ she said.

When the tsunami struck Indonesia in December, and when earthquakes devastated Armenia, El Salvador, and Iran, the courageous team of health professionals from Massachusetts General Hospital was always among the first to respond. The team’s response to Katrina is no different. Dr. Susan Briggs from Massachusetts General is leading the effort. Senator Lieberman and I are being matched with the team’s two mobile clinics, and they are reaching those in more remote areas. But in New Orleans, they are discovering many new storm-related medical needs as people begin to return to the city.

Three medical teams from Boston and one team from Worcester have been on the scene since the earliest hours of the disaster, and they have kept up a steady pace. Additional tasks of medical necessity left Massachusetts at 5 o’clock this morning for the gulf.

I talked with a wonderful doctor at Mass General, Dr. Larry Bronner. He talked about calling up Broderick Chevrolet and saying they needed three big trucks for transport. The founder of that automobile distributorship said: You tell us where you want the trucks and let us know when you want the trucks; you’ve got the trucks.

That is typical of the kind of reaction across the board in my State, and I know in many others.

Now they are involved in a 35-hour round trip down to New Orleans, even as we talk this afternoon.

As we traveled in New Orleans and Mississippi, I was heartened by the spirit of determination to overcome this disaster and improve the lives of those most affected. I saw it on the faces of those who stayed behind to help with rescue and relief efforts, just as I have seen it in the faces of those who have had to leave all they know and go to safer havens across the country. It is the same spirit of determination that will carry them down the long road to rebuilding.

The residents of the gulf region and New Orleans take pride in their cities and towns. They want to lead the way in reviving their own communities. That should not be ignored.

First and foremost, this means we cannot have big businesses and outside contractors taking over the process of rebuilding. Local and small should get the lion’s share of the work. And local people should get the lion’s share of the jobs.

The businesses and residents of New Orleans should rebuild New Orleans. Boston College has accepted 150 students from Loyola and Tulane. Their communities should rebuild their communities. Pass Christian should rebuild Pass Christian, and we should be there to help.

Community leaders I spoke with in New Orleans mentioned the 911 families and their ability to band together as a voice for change, successfully pressuring the White House and Congress.
to form the independent 9/11 commission. Katrina survivors, they told me, don’t need veto power over every proposal to rebuild their region, they just need a voice in the rebuilding of their own communities.

There has been much discussion of the economic despair of those who were stranded in New Orleans and other areas, because they did not have the resources to escape the storm and flood. An enormous tragedy has affected a legacy of unemployment in our country, and it makes us all that in a country as rich as ours, we were not able to provide for the safety and security of all our citizens, but allowed race and class to devastate them.

Our collective effort for rebuilding and reconstruction is an opportunity to make amends for decades of neglect, and genuinely address the needs of those most directly affected by this disaster.

Estimates of the Federal Government’s investment in this rebuilding effort are now as high as $200 billion. We must be certain that these funds go to the rebuilding of the new Gulf Coast and not to the accounts of the biggest contractors in the region. We must stress to the people of New Orleans that this is a city in which everyone—mayors, governors, community leaders, business leaders, citizens, the Federal Government—everyone. There should be hearings throughout the area to listen to the people’s views of the kind of future they want. We should listen to the people of New Orleans on how they wish to revitalize the vitality of that special city. We should involve the best flood control engineers, the best community and urban development specialists, the best city planners, the best of everything. Rebuilding should not be determined by the biggest most powerful contractors. We need to work from a shared vision for the future in which we all do our part to build the new gulf coast.

I commend President Bush for making the rebuilding of this damaged region a high priority for the Federal Government, and I believe a commission will give us the vision on which everyone has a say—mayors, governors, community leaders, business leaders, citizens, the Federal Government—everyone. There should be hearings throughout the area to listen to the people’s views of the kind of future they want. We should listen to the people of New Orleans on how they wish to revitalize the vitality of that special city. We should involve the best flood control engineers, the best community and urban development specialists, the best city planners, the best of everything. Rebuilding should not be determined by the biggest most powerful contractors. We need to work from a shared vision for the future in which we all do our part to build the new gulf coast.

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Senator Fred, our leader, deserves praise as he returned briefly to his earlier career as Dr. Fred. I truly admire his courageous efforts to provide medical care in the early days at the makeshift hospital at the New Orleans airport.

Friday was not a one-time visit; it was just one day, but it will be a day I will not forget. We will not simply move on to a new issue tomorrow. This wound in our Nation runs deep, and our response must be equal to the task. The hurricane-affected communities, but it did not and could not destroy their spirit. They will rebuild, and we will help them to the very best of our ability, because in the end, we are one Nation, one people, one family. It is in this way that we can best tap the true wealth of Nation. We must get it right.

Mr. Kennedy. Mr. President, I ask unanimous consent to be able to proceed for 4 more minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SANDY FELDMAN

Mr. Kennedy. Mr. President, I am sad to inform the Senate of the passing of a true giant in the world of education, Sandy Feldman, who headed the American Federation of Teachers. Sandy was a fighter for schoolchildren every day of her very productive life. She was determined to make a difference, especially to the millions of disadvantaged children in our schools—and she did. She inspired many young people to become teachers. She helped them understand that teaching was not just a job, but it was a calling.

Sandy, you leave a proud and rich legacy. You will be an inspiration to students and teachers for many years to come.

We love you, and you will be missed but never, ever forgotten.

Mr. President. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. Specter. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF JUDGE JOHN G. ROBERTS, JR.

Mr. Specter. Mr. President, I have sought recognition to speak about the confirmation of Judge John G. Roberts, Jr., to be Chief Justice of the United States.

Mr. President, no vote cast by a Senator in this body is more important than a vote cast on the confirmation of a Supreme Court Justice, with the exception of a declaration of war, or a resolution authorizing the use of force.

The confirmation process for Chief Justice is obviously somewhat more important than that for Associate Justice. It is even more important in the context of Judge Roberts who is 50 years old and has the potential to serve for decades in that very key position, as the second youngest Chief Justice in the history of the country and the 17th Chief Justice to be nominated.

Judge Roberts comes to this position with an extraordinary academic record—3-year graduate of Harvard College summa cum laude, magna cum laude in the Harvard Law School, and an illustrious career in private practice and government service. He argued some 39 cases before the Supreme Court of the United States.

We have examined some 76,000 documents. We have looked at his participation in some 327 cases in the Court of Appeals for the District of Columbia Circuit, where he was confirmed by the Senate 2 years ago by unanimous consent. We have seen his briefs in the Solicitor General’s Office, and we have heard some 31 witnesses regarding his nomination. These included a witness from the American Bar Association, which rated him unanimously well-qualified, the highest recommendation possible. There were thirty witnesses, who were chosen equally by the Democrats and the Republicans, testified at length about Judge Roberts’ career. We know a great deal about Judge Roberts.

Based on all of these proceedings, including 17 hours of testimony before the committee, it is my judgment he is well qualified to be Chief Justice of the United States. I intend to vote aye when his nomination is called before the Senate.

He has taken a position that a judge should be modest and should look for stability in the law. On a number of occasions in his testimony before the committee, he emphasized the point that judges are librarians and that judges ought not inject their own personal views into the law.

He commented about the flexibility of the law, saying that principles such as equal protection and due process were meant to last through the ages and have a flexible quality. He said, “They [referring to the framers] were crafting a document that they intended to apply in a meaningful way down through the ages.”

While he would not accept the specific language of Justice John Marshall Harlan II that the Constitution is a living thing, he did testify that the language of liberty and due process has broad meaning and applied to evolving societal conditions.

He talked very directly when questioned about the right of privacy. He said that Griswold v. Connecticut, which established a right of privacy, was correctly decided. That case overturned the state law prohibiting the use of contraceptives for married people. He also said the holding of Griswold would apply to single people as well as to married people under the Eisenstadt decision.

When it came to the critical question of Roe v. Wade, I did not ask him whether he would affirm or reject the Roe doctrine. I did not do so because I believe it is inappropriate to ask a nominee how he would decide a specific case.

As chairman, it was my view that any nominee could not be free to respond as he chose. Beyond refraining from specifically asking whether he would affirm or overturn Roe v. Wade, others and I questioned him extensively about the import of stare decisis, the Latin term meaning “let the decision stand.” He emphasized that stare decisis was a very important principle in the law and that even where a justice might consider Roe wrongly decided, it takes more to overturn a precedent than simply to conclude it was wrongly decided initially.

Because—and this is Arlen Specter speaking, not Judge Roberts—where the case has stood for some 32 years and has been reaffirmed substantively and in important respects, it has become, as some have called it, a super-precedent.

I then made the point that the Supreme Court had taken up the issue so many times it could be presumed, overruled on some 38 occasions. Should it come before the Court again, perhaps the balance of the 38 cases would make super-duper precedent to uphold Roe.

The question remains as to how he would rule. Nobody knows that for certain.

The one rule that seems to be the most prevalent one is the one of surprise. He testified extensively about his concern for civil rights. He talked about affirmative action. He agreed with Justice O’Connor that the impact of the people in the practical everyday world was of considerable importance. I questioned him about his participation in the case in Romer v. Evans, where he sat on some counsel to be lawyers who were arguing the case involving gay rights and he participated in support of gay rights.

His partner at Hogan and Hartson, Walter Smith, had this to say about Judge Roberts’ participation in that case. Mr. Smith said that “every good lawyer knows that if there is something in their client’s cause that so personally offends you morally, liggerously, or if it so offends you that you think it would undermine your ability to do your duty as a lawyer, then you shouldn’t take it on, and John wouldn’t have. So at a minimum he had no concerns that would rise to that level.”

I then asked Judge Roberts if he agreed with Mr. Smith’s analysis and if he would have refrained from helping in that situation, and he said: “I think it’s right that if it had been something morally objectionable, I suppose I would have.”

His support of gay rights is not an insignificant consideration in our evaluation of his views of civil rights.

Judge Roberts made quite a point of contending that he had answered more
questions than most, and I think to some extent he did. He articulated the standard that he would answer the questions unless the case was likely to come before the Court. Some of his predecessors have refused to answer any questions at all. As I have said, from time to time, when Justice Scalia appeared before the Judiciary Committee, he wouldn’t answer much. Even prisoners of war are compelled to give their name, rank, and serial number. Judge Scalia would only give his name and rank. He wouldn’t give his serial number. I say that in a metaphor. Justice Scalia would not say if he would uphold Marbury v. Madison, which is an 1803 decision establishing the supremacy of the Supreme Court, the duty of the Supreme Court, and the responsibility and authority of the Court to interpret the Constitution.

Judge Roberts did comment on Griswold and Eisenstadt and quite a number of specific cases as he went along. There were some cases where he would not answer where I candidly thought he should have answered, but my rule is that the Senator asks the questions, the nominee responds, and it is a political judgment as to whether the nominee has responded sufficiently to warrant or merit confirmation or the Senator’s vote.

For some time now, I have expressed my concern which is shared by the distinguished Senator from Ohio, Senator DeWine, who now occupies the chair of the Presiding Officer. Senator DeWine raised a line of questions, as I did. I raised a question about the case of United States v. Morrison where the Supreme Court declared part of the legislation unconstitutional, legislation designed to protect women against violence. I pointed to the very extensive record on surveys in 21 days and 6 separate reports. The Court recognized, determined the record that the legislative record was insufficient, but it seemed to me that it was probably the case that the record was more than sufficient. This is what I consider to be an encroachment on congressional authority. The majority opinion, after reviewing that record, said it was insufficient because they disagreed with the congressional “method of reasoning.”

The question I have about that is, who is the Supreme Court Justice—towards that their “method of reasoning” is superior to ours? What happens when you leave the columns of the Senate, which are directly aligned with the columns of the Supreme Court, and walk across the street? Is there some superiority of competency there? The dissent pointed out that the majority opinion was saying that there was some sort of unique judicial competence on the method of reasoning. The inference there is that there is some superior competency to reject that. And I believe the Constitutional separation of powers rejects that.

Where there is an expansive record, as we had in United States v. Morrison, it ought to have been upheld. It is a derogation of congressional authority and insulting to question our method of reasoning.

I asked him about the two cases where the Supreme Court interpreted the Americans With Disabilities Act 3 years apart, 2001 and 2004. In Garrett v. Alabama, by a 5-to-4 decision, the Court ruled unconstitutional the part of the Americans With Disabilities Act which protected against discrimination in employment; and then, 3 years later, in Tennessee v. Lane, again by a 5-to-4 vote, the Supreme Court upheld the application of the section of the Americans With Disabilities Act concerning access to public accommodations for a paraplegic who had to crawl up the steps to get to a courtroom. The records were identical as to both of the sections in the same act. You had the same voluminous record presented.

In dissent, the dissent pointed out that the Supreme Court called it a “flabby test.” He said that where the Court has used a standard of what they called “congruence and proportionality,” that it was ill- advised. Justice Scalia said the Court was “walking on the taskmaster of the Congress and, in effect, treating us like schoolchildren.”

Now, where did this test, “congruence and proportionality,” come from? It came out of thin air. In 1997, in the Boerne case, the Supreme Court declared the Religious Restoration Act unconstitutional, they came up with this test which has not a scintilla of objective meaning. How can the Congress figure out what it is that the Supreme Court has in mind? They go 5 to 4 on one title of the Americans with Disabilities Act and 5 to 4 the other way on another title of the Americans with Disabilities Act. Frankly, I thought the committee and the Senate were entitled to the best questions, but Judge Roberts declined to answer.

That is a work in process. We are not putting that one down. There are some things which the Congress can do about that to assert congressional power, and it will be pursued.

On the issue of Judge Roberts being Chief Justice, it is an intriguing prospect for a man of 50 to take over the Court where Judge Stevens is 35 years his senior; Justice Scalia is 18 years his senior; the youngest of those on the Court at the moment, is 7 years his senior. I asked Judge Roberts about that, both in the informal session in my office and in the Senate hearing. He described his work as being an advocate before the Court. He called the Court a “dialogue among equals.” I thought that was a fascinating evaluation.

In the Supreme Court—and I have had occasion to be there three times—a lawyer stands on one level, and the Court is on a higher level. I do not exactly perceive it personally as a dialogue among equals, but I consider it fascinating that he did. Perhaps when you have been there 39 times, the level of inequality levels out. But he has an opportunity, from his vantage point, knowing the Justices, as he does, having been there so long, and having been a clerk for Justice Rehnquist when he was an Associate Justice back in 1980, to do something about these 5-to-4 decisions.

There was a discussion about what Chief Justice Earl Warren did in bringing the Court together. When he was appointed Chief Justice in 1953, he molded a unanimous opinion in Brown v. Board of Education—if not the most important case in the Court’s history certainly one of the most important cases, and one of the most contentious cases.

However today we see a plethora of 5-to-4 decisions—a recent case involving the Americans with Disabilities Act being one illustration, but there are Justice A who will write a concurring Commandments cases this year where the Court said it was OK for the State of Texas to have the Ten Commandments on a tower but unconstitutional for Kentucky to display the Ten Commandments indoors, in two decisions whose results absolutely defy logic or are inexplicable.

I have also been troubled by the modern tendency to have so many concurring opinions and dissents. Before the Judiciary Committee held hearings regarding the detainees at Guantanamo Bay, I read three Supreme Court opinions from June of 2004. They were a maze of confusion as you tried to work your way through them. Through them, the majority opinion. Only four Justices could agree. They did not have the opinion of the Court, and the other cases were replete with multiple opinions as well.

Currently you have a situation where Justice A will write a concurrence or a concurring opinion, joined by Justice B; and then Justice B will write a concurrence or a concurring opinion, joined by Justice A and Justice C. You wonder, why so many opinions? Judge Roberts commented and testified that that was what the entire Court should work on, and certainly one he would pledge to work on himself.

The subtle “minuet” of the confirmation hearings for Judge Roberts turned bombastic and contentious at times, but he always kept his cool and responded within reasonable parameters. The Judiciary Committee and the full Senate cannot be guarantors that Judge Roberts will fulfill our’s or anyone’s expectations. The Court’s history is full of Justices who have surprised or disappointed their appointors or inquisitors. But the process has been full, fair, and dignified.

Judge Roberts went about as far as he could go in answering the questions and declining to answer questions on cases likely to come before the Supreme Court. When you consider all of the factors—his academic record, his professional record, his record on the court of appeals, the witnesses who testified who have known him intimately—it is my judgment he is well
qualified and should be confirmed as the next Chief Justice of the United States, the 17th Chief Justice of the United States. When the roll is called, I intend to vote yea.

I ask unanimous consent that the full text of my statement be included in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT OF SENATOR ARLEN SPECTER ON NOMINATION OF JUDGE JOHN G. ROBERTS TO BE CHIEF JUSTICE OF THE UNITED STATES

After listening to Judge John Roberts testify for nearly 17 hours and then hearing from 31 witnesses, some for and some against his nomination, I have decided to vote to confirm him to be Chief Justice of the United States.

Except for a declaration of war or its virtual equivalent, a resolution for the use of force, no Senate vote is more important than the confirmation of a Supreme Court justice; and this one had special significance because it is for Chief Justice and the nominee is only 50 years old with the obvious potential to serve for decades.

Judge Roberts comes to the committee with impeccable credentials. He was graduated summa cum laude from Harvard College in only 3 years, and magna cum laude from Harvard Law School. Following his graduation from law school, Roberts obtained prestigious clerkships with Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit and then Associate Justice William H. Rehnquist.

Judge Roberts subsequently embarked on a distinguished career in public service, serving as an Associate White House Counsel in the Reagan administration and Principal Deputy Solicitor General in the George H. W. Bush administration. While in the Solicitor General’s Office and then in private practice with the firm of Hogan & Hartson, Judge Roberts argued 39 cases before the U.S. Supreme Court, earning a reputation as one of the finest appellate advocates in the Nation.

When Judge Roberts was appointed to his current position on the U.S. Court of Appeals for the D.C. Circuit, he earned the highest rating from the American Bar Association and enjoyed broad bipartisan support in being confirmed by unanimous consent.

A threshold question, beyond his academic and professional qualifications is how a man at 50 from outside the Court can effectively function as Chief Justice. His previous clerkship on the Court and the 39 cases he has handled there give him an intimacy with the Court that few outsiders enjoy. He knows the Court and the other Justices know him. Concerned about his relative youth, I questioned Judge Roberts about how he would feel becoming Chief Justice of a Court where one member was 39 years his senior, and the next youngest was 7 years older. Judge Roberts’ answer impressed me. He said that, while in private practice, he approached his arguments before the Court as a “dialogue of equals” and he viewed oral arguments in that light, considering himself to be their equal, he projected the kind of confidence that he would be comfortable and consider himself equal to the Chief of Chief, who is the “first among equals.”

I also questioned him about the role the Chief Justice should play in bringing about consensus in the Court. I have been troubled by the numerous 5 to 4 decisions and the proliferation of concurrences and plurality opinions that often leave lower courts, lawyers, and litigants wondering about what the Court actually held. I therefore asked:

“Judge Roberts, let me ask about the ability to bring a wide variety of views, if confirmed as Chief Justice, to try to bring a consensus to the Court. You commented yesterday about what Chief Justice Warren did on the Court. You talked about a very disparate Court and pulling the Court together. As you and I discussed in my office, there are an overwhelming number of cases and there are conflicting concurrences. Then he writes a concurring opinion in which B joins; then B writes a concurring opinion in which A joins and C joins. In reading the trilogy of opinions in the Hamdan decision in 2004, I would like to figure out what we ought to do about Guantanamo, it was a patchwork of confusion. I was intrigued by the comment which you made in our meeting about a dialogue among equals, and you characterized that as a dialogue among equals when you appear before the Court, and they are on a little different level over there. Tell us what you think you can do on this dialogue among equals to try to bring some consensus to the Court to try to avoid this proliferation of opinions and avoid all these 5-4, 4-4, 4-3 or 6-3.

Judge Roberts responded:

“I... think... it’s a responsibility of all of the Justices, Chief Justice, to try to work toward an opinion of the Court. The Supreme Court speaks only as a Court. Individually, the Justices have no authority. And I don’t think I would have to have an opinion of the Court. You don’t obviously compromise strongly-held views, but you do have to be open to the considered views of your colleagues, particularly when it gets to a concurring opinion. I do think you do need to ask yourself, what benefit is this serving? Why is it necessary for me to state this separate reason? I would rather look at what the four of them think or the three of them think to see if I can subscribe to that or get them to modify it in a way that would allow me to subscribe to that, because an important function of the Supreme Court is to provide guidance. ... I do think the Chief Justice has a particular obligation to try to achieve consensus consistent with everyone’s individual oath to uphold the Constitution, and that would certainly be a priority for me if I were confirmed.’’

SPECTER QUESTIONING, SEPTEMBER 19, 2005

Given the serious implications of his qualifications and experience, including extensive personal contact with the other justices, he has the unique potential to bring consensus to the Court to try to reduce the number of repetitious and confusing opinions.

The Judiciary Committee conducted a thorough and fair confirmation hearing for Judge Roberts. He answered virtually all the questions I would have liked him to answer, providing a mountain of evidence. There was no indication that they intended to apply in a meaningful way down the ages.” While he would not accept Justice Harlan’s language of a “due process” and “liberty” and “due process” would have broad meaning as applied to evolving societal conditions.

At the same time, however, he did not answer all the questions I would have liked him to respond to. I questioned Judge Roberts closely about his views with respect to congressional authority to remedy discrimination under the 14th amendment. I asked him how the Supreme Court could possibly have struck down the private remedy the Congress created in the Violence Against Women Act in view of the extensive congressional record, which—

showed that there were reporters on gender bias from the task force in 21 States and eight separate reports issued by Congress and its committees over a long course of time... there was a mountain of evidence.

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

In light of that record, I asked:

“What more does the Congress have to do to establish a record that will be respected by the Court?” He told me that that record was palpably sufficient to sustain the constitutionality of the Act?”

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Although I pushed him to answer my question, observing that the case was long over, and the specific facts unlikely to come before the Court again, Judge Roberts declined to answer because it would be

“the particular question you ask about the adequacy of findings... is likely to come before the Court again.” He agreed that any decision on whether the Morrison case was correct or incorrect would be prejudging those cases that are likely to come before the Court again.

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

In fact, the most Judge Roberts would say is that:

the appropriate role of a judge is a limited role and that you do not make the law, and that it seems to me that one of the warning flags that should suggest to you as a judge that you may be beginning to transgress into the role of making a law is that. Or, are you in a position of re-evaluating legislative findings, because that doesn’t look like a judicial function. It’s not an application of analysis under the Constitution. It’s just another look at findings.”

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

On the very important question of conflict between the Congress and the Supreme Court, I was dissatisfied with his responses on the Court’s derogation of Congress’ “method of reasoning” and the Court’s recent violations of the meaning of “congruence and proportionality” standard. In discussing the Americans with Disabilities Act,
Act, I pointed out to him the problem of the Court issuing 5 to 4 decisions in two cases with identical records going entirely opposite ways within 3 years. With respect to the Garrett case, wherein Mr. Garrett, who had breast cancer, sought relief under the ADA for employment discrimination, I explained: “The trouble is that the title of the Disabilities Act was unconstitutional, 5-4, on employment discrimination. Then 3 years later, you have the case coming up of Lane, the positioning lining up the steps, accommodations, 5-4, and the Act is upheld.”

Yet, “the record in the case was very extensive—13 congressional hearings, a task force was underway in every State, attended by more than 30,000 people, including thousands who had experienced discrimination.”

Despite these extensive factual findings, however, the Court employed the “congruence and proportionality” test, a test Justice Scalia criticized as “flabby,” to strike down a portion of the act.

I asked Judge Roberts: “Isn’t this congruence and proportionality test, which comes out of thin air, a classic example of judicial activism . . .?”

Judge Roberts acknowledged the applicable precedents, but when asked whether he agreed with Justice Scalia’s sentiments, stated: “I don’t think it’s appropriate in an area—and the area is pending here today, Mr. Chairman. There’s a case on the docket right now that considers the congruence and proportionality test.”

He declined to answer the question. He did, however, state that: “If I am confirmed and I do have to sit on that case, I will approach that with an open mind and consider the arguments. I can’t give you a commitment here today about how I will approach an issue that is going to be on the docket within a matter of months.”

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Although I was disappointed that Judge Roberts did not answer some of my questions, still, I believe that he went somewhat beyond the usual practice of answering just as many questions as he had to in order to be confirmed. His decline to answer whether the issue could theoretically or conceivably come before the Court.

Judge Roberts, however, went further, testifying: “And the great danger of courts that I believe every one of the Justices has been vigilant to safeguard against is turning this into a bargaining process. It is not a process under which Senators get to say I want you to rule this way, this way, and this way. And if you tell me you’ll rule this way, this way, and this way, I’ll vote for you. That is not a bargaining process. Judges are not politicians. They cannot promise to do certain things in exchange for votes. . . . Other nominees have been willing to tell you whether they thought Marbury v. Madison was correctly decided. They took a very strict approach. I have taken what I think is a more pragmatic approach and said if I don’t think that’s likely to come before the Court, I will comment on it. . . . it is difficult to draw the line sometimes. But I wanted to be able to share that message as well as can with the Committee in response to the concerns you and others have expressed, and so I have adopted that approach.”

SCHUMER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Judge Roberts explained: “If I think an issue is not likely to come before me, I do not tell the Committee what my views on that case were, what my views on that case are.”

KYL QUESTIONING, SEPTEMBER 14, 2005

Of course, as with all nominees, there are circumstances in which it would be inappropriate for Judge Roberts to take a position. Since I believe it is inappropriate, for example, to address an issue likely to come before the Court, I did not ask whether he would sustain or overrule Roe v. Wade. Instead, I asked about his views on those other issues—“If you were to have a change in stare decisis—how long ago decided, stability, reliance, legitimacy of the Court—he might rely on to determine whether he would vote to depart from a precedent.”

In addressing his respect for stare decisis, Judge Roberts explained: “I would point out that the principle goes back even farther than Cardozo and Frankfurter. Hamilton, in Federalist No. 78, said that, ‘To avoid an arbitrary discretion in the judges, they need to be bound down by rules that would be entitled to respect under those principles.’”

I called Judge Roberts’ attention to the fact that Casey had been labeled a super-precedent because different judges had re-affirmed Roe after a host of decades. I then suggested that, since the Supreme Court did not overrule Roe when it had the opportunity to do so in 38 subsequent cases, it was entitled to classification as a “super-duper precedent.” Again, he was noncommittal.

Judge Roberts consistently reiterated his commitment to modesty in the law and the importance of explaining: “I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and, particularly in this case, is not enough—and the Court has emphasized this on several occasions—it is not enough that you may think the prior decision was wrong—precedents. So even that far back, the Founders appreciated the role of precedent in promoting evenhandedness, predictability, stability, the appearance of integrity in the judicial process.”

SPECTER QUESTIONING, SEPTEMBER 14, 2005

When I inquired about his application of these principles to Roe, he noted that, “it’s settled precedent of the court, entitled to re- spect under stare decisis, so I think I would not address that issue.”

When I pressed Roberts to explain what he meant by that in the context of Planned Parenthood of Southeastern Pennsylvania v. Casey, Judge Roberts explained: “Do you think the Court would be a ‘surrender to political pressure,’ and ‘would subvert the Court’s legitimacy,’ he explained that “as of 1992, you had a reaffirmation of the central holding in Roe. That decision, that application of the principles of stare decisis, of course a precedent that would be entitled to respect under those principles.”

I asked Judge Roberts’ attention to the fact that Casey had been labeled a super-precedent because different judges had re-affirmed Roe after a host of decades. I then suggested that, since the Supreme Court did not overrule Roe when it had the opportunity to do so in 38 subsequent cases, it was entitled to classification as a “super-duper precedent.” Again, he was noncommittal.

Judge Roberts consistently reiterated his commitment to modesty in the law and the importance of explaining: “I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and, particularly in this case, is not enough—and the Court has emphasized this on several occasions—it is not enough that you may think the prior decision was wrong—precedents. So even that far back, the Founders appreciated the role of precedent in promoting evenhandedness, predictability, stability, the appearance of integrity in the judicial process.”

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Notwithstanding his answers and my efforts to glean some hint or realistic expectation from his words and body language, can I say that the Justice Roberts would do. If there is a rule on expectations, that would be entitled to respect under those principles.”

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Notwithstanding his answers and my efforts to glean some hint or realistic expectation from his words and body language, candidly it is not possible to predict or have a solid expectation of what Judge Roberts would do. If there is a rule on expectations, it is probably one of surprise. Professor Charles Fried, a professor of constitutional law at Harvard Law School who thought Roe was wrongly decided, testified that he did not think Judge Roberts would or should vote to overrule Roe.

The Washington Post editorial of September 15 had some comfort from Judge Roberts’ testimony: “While he declined to address the merits of Roe v. Wade, he did indicate that it is a decision to which stare decisis consideration properly applies and that it is possible that the subsequent decisions in Planned Parenthood v. Casey which re-affirmed Roe’s core principle was independently entitled to be treated as a precedent. That implies that there would be a heavy burden for the court in upsetting abortion rights now and in the future.”

Nevertheless, Judge Roberts did engage the committee on several important related issues. With respect to the right of privacy, for example, I asked him whether he believed that the right to privacy existed “under the Constitution,” and he responded: “Do you believe that the right to privacy—do you believe today that the right to privacy exist in the Constitution?”

Judge Roberts was forthright in his response, declaring: “Senator, I do. The right to privacy is protected under the Constitution in various ways . . . the Court has, with a series of decisions going back 80 years that personal privacy is a component of the liberty protected by the Due Process Clause.”

RESPONSE TO SPECTER QUESTIONING, SEPTEMBER 13, 2005

Similarly, in response to Senator Biden, who asked the pointed question: “Do you to privacy in the Constitution as it applies to contraception. Do you agree with that decision and that there is a fundamental right to privacy as it relates to contraception? In your opinion, is that so?”

Judge Roberts explicitly stated: “I agree with the Griswold Court’s conclusion that marital privacy extends to contraception and [the] availability of that.”

KOHL QUESTIONING, SEPTEMBER 13, 2005

He did not limit his understanding of the privacy right merely to Griswold, however. Senator Feinstein asked: “Do you think that right of privacy that you are talking about [in Griswold] extends to single people as well as married people?”

Judge Roberts found his agreement with the Eisenstadt case, which provided protection to unmarried couples as well as those who are married.

FEINSTEIN QUESTIONING, SEPTEMBER 14, 2005

Without access to the ballot box, people are not in the position to protect any other rights that are important to them. And so I think it’s one of, as you say, most precious rights we have as Americans.”

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

He acknowledged that the Voting Rights Act had advanced the rights of minorities. He explained that: “I think the gains under the Voting Rights Act have been very beneficial in promoting
FEINGOLD QUESTIONING, SEPTEMBER 14, 2005

The constitutional question was raised in response to Senator Kennedy’s question: “Do you believe that the existing Voting Rights Act, the constitutionality of which has been upheld . . . and I don’t have any issue with that.”

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

In response to Senator Leahy’s question, Judge Roberts explained that the true question involved determining whether individuals should have the right to sue. He went on to say that it’s the job of the judiciary to interpret the law, to interpret in the context, looking at foreign law for support is not what I do. The other part of it that would concern me is that relying on foreign precedent or foreign law, as precedent on the meaning of American law and the Constitution is clearly out of the question.

FEINSTEIN QUESTIONING, SEPTEMBER 14, 2005

Judge Roberts further reaffirmed his support for minority outreach programs that have been successful in the past. He believes that minority outreach programs should be allowed to continue, as they have been shown to be effective.

KENNEDY QUESTIONING, SEPTEMBER 14, 2005

In response to Senator Kennedy’s question about his personal beliefs, Judge Roberts explained that he is a Christian, but he believes that the judiciary should be non-partisan. He believes that the judiciary should be independent of politics and should not be influenced by personal beliefs.

LEAHY QUESTIONING, SEPTEMBER 15, 2005

Moreover, demonstrating a sensitivity to the “real world” problems of race, Judge Roberts explained that he is not interested in creating a narrow or crass view of individual rights. He believes in the importance of the Voting Rights Act and has stated that he believes Congress has the power to guarantee civil rights for all.

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

In addition, Judge Roberts provided a thorough discussion of a much debated issue of the day—judges’ use of foreign law in interpreting the U.S. Constitution. Judge Roberts stated, “A measured effort that can withstand scrutiny, a measured effort that can withstand the test of time is epitomized by the fact that judges, justices, the majority of the Justices on the Court, the United States Supreme Court, have consistently relied on the law of this country, the decisions of this country, to interpret the law of this country.”

SCHEURER QUESTIONING, SEPTEMBER 14, 2005

In response to Senator Schurman’s question, Judge Roberts stated that Wickard was reaffirmed in the Raich case and that it is a precedent of the court, just like Wickard, that I would apply like any other precedent. If we’re relying on a decision from the Constitution is reaffirmed in the Raich case and if we’re relying on a decision from the Constitution is reaffirmed in the Raich case and if we’re relying on a decision from foreign law, as precedent on the meaning of American law and the Constitution is clearly out of the question.

WICKARD, v. FILBURN.

Wickard, in 1942, held that the Commerce Clause of the Constitution was unconstitutionally broad and that the Court had exceeded its powers in applying the Commerce Clause to agricultural production. Judge Roberts explained that Wickard was reaffirmed in the Raich case and that it is a precedent of the court, just like Wickard, that I would apply like any other precedent. If we’re relying on a decision from foreign law, as precedent on the meaning of American law and the Constitution is clearly out of the question.

The subtle minuet of the confirmation hearing for Judge Roberts turned bombastic...
and confrontational at times, but he kept his cool and responded within reasonable parameters. The Judiciary Committee and the full Senate cannot be guarantors that Judge Roberts will fulfill ours or anyone’s expectations. The Court’s history is full of justices who have surprised or disappointed their appointors or inquirors.

But it has been full, fair and dignified. On some questions, Judge Roberts, as the song about the Kansas City burlesque queen in the stage play “Oklahoma” says: “She went about as far as she could go” without committing himself to votes on cases likely to come before the court. When all the facts are considered, my judgment is that Judge Roberts is qualified, has the potential to serve with distinction as Chief Justice and should be confirmed. I will vote “yea.”

Mr. SPECTER. I thank the Chair. I yield the floor, and, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2744): making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes.

Pending:
Bennett-Kohl amendment No. 1726, to amend the Rural Electrification Act of 1936.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are pleased to present to the Senate today the fiscal year 2006 appropriations bill for the Department of Agriculture, rural development, and related agencies. The bill is before the Senate and is open for amendment or discussion and debate. I am pleased to announce to the Senate that this reflects a lot of hard work through hearings, examining the President’s budget request for these Departments for this next fiscal year.

The subcommittee was very capably managed by the distinguished Senator from Utah, Mr. BENNETT, who is chairman of this subcommittee. The bill is within the budget authority outlined by the budget resolution adopted by the Senate. Specifically, section 302(b) of the budget resolution allocates $17.348 billion to this subcommittee’s authority for appropriations. It is within the outlay allocation of $18.816 billion.

Throughout the past 7 months, the committee has reviewed suggestions by Senators and others who are interested in the provisions of this bill. The bill, as reported by the subcommittee, was approved unanimously and submitted to the full committee for review. I want to thank a bipartisan group of Senators in that subcommittee, all of the Senators in the full committee approved the allocation and the appropriation of funds as reported in this bill.

We hope if any Senators have any suggestions for amendments, they will bring them to the attention of the managers of the bill. We will be happy to discuss those and review them. We hope we can complete action on this legislation and get it to the floor as soon as possible.

I yield the floor, and, in the absence of any Senators, I suggest the absence of a quorum.

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of H.R. 2744, which the clerk will report.

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Pending:
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The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise as a member of the Agriculture Appropriations Subcommittee to discuss the fiscal year 2006 Agriculture appropriations bill. I am pleased to have the chair, Senator COCHRAN of Mississippi, as well as Chairman BENNETT and Ranking Member KOHL, for their diligence on this spending bill and for ensuring that we have arrived at as sound a financial package as was possible, given the pending budget resolution’s mandate to cut funds from USDA. At a time of significant budgetary deficits and increasingly tight funding, I worked with my colleagues to maintain a secure packaging of these vital communities, especially in light of a sorely inadequate proposed USDA budget from the administration.

Producers and ranchers in my State of South Dakota and across the Nation would simply prefer a fair price for what they produce at the day’s end. USDA programs and Federal funding are crucial for producers, however, when markets are challenging and prices are depressed. The farm bill that was hammered out in 2002 is a contract with American farmers, in particular South Dakotans, to ensure adequate safety nets and increased opportunities for rural communities. Numerous Members of Congress, as well as agricultural organizations concerned with the President’s proposed budget, have pointed out that the farm bill has already come into play at $14 billion under its original projected costs.

At a time when producers need the contract negotiated by Congress and signed into law by this President, the administration proposed limiting the benefits promised to producers. We cannot balance the national deficit on the backs of our Nation’s producers. I voted to restore some of the cuts that were made to the agricultural spending package, and I am concerned for the adjustments that will be made to the agricultural spending bill in light of the budget reconciliation instructions advocated by this administration. I am concerned for the impact these cuts will have on our rural communities and our producers.

There are several initiatives, however, that I am pleased to see in this measure. I would like to touch on a few of those priorities. As a member of the Agriculture Appropriations Subcommittee, there are a few South-Dakota-specific items that I am pleased are included in this measure. A few of them include funding for a collaborative four-State effort led by South Dakota State University. These funds will increase opportunities for South Dakota sheep and cattle producers, building a better climate for livestock feeding in our State. There is funding to work at South Dakota State University to integrate pulse crops in crop rotations for South Dakota farmers. By integrating pulse crops into rotations, farmers can increase profits and improve soil quality.

There is some funding for the Seed Technology Center at South Dakota State University. Funds will be used to conduct seed technology and biotechnology research to benefit agriculture producers and enhancing profitability for producers and resulting in better food production.

Lastly, there is funding for the South Dakota Game, Fish, and Parks Department to continue animal damage control work. The funds allow the South Dakota Game, Fish, and Parks Department to continue to meet the growing demands of controlling predatory nuisance and diseased animals. SDSU, a land grant university in Brookings, is significantly impactful in research, McIntire-Stennis, and animal health Federal formula funds. SDSU is an institution that makes enormous contributions to our agricultural industry through the research initiatives that it spearheads.

The President’s proposed cuts on their research centers would have greatly impacted this land grant institution’s ability to function in an effective manner. The President’s proposed cuts would have cut 45 faculty and staff at South Dakota State University, with a 25- to 50-percent reduction in graduate students. These cuts would have resulted in closure of at least one
SDSU research farm and at least one SDSU public service laboratory. I worked with my colleagues and with the chairman to ensure that formula funds were, in fact, reinstated at sufficient levels in this bill. I continue to hear from constituents about the viability of the Resource, Conservation, and Development Program, which was funded at only $25 million in the President’s proposed fiscal year 2006 budget. The funding level is a substantial reduction from fiscal year 2005 funding at $51 million which was reinstated in the fiscal year 2006 spending package. Rural development initiatives are crucial for creating additional opportunities. The Resource, Conservation, and Development Program contributes tremendously to the economic growth in rural communities, and limiting spending for this program limits economic opportunities.

With respect to the animal identification program, $33 million was devoted to this system last year via the omnibus spending bill, and funds were again requested by the Bush administration. Given the size and scale of this program, the projected costs, it is essential to ensure that the Department of Agriculturestate stakeholders, recognizing the costs that producers have voiced for the implementation of this system. The USDA needs to ensure adequate communication with Congress in consideration of producers and ranchers to drive further distances, especially considering the significant cost of fuel, is not reasonable.

Implementation of our farm bill programs depends on the ability of the Office of Farm Service Agency service centers. Our 59 offices in South Dakota are essential for providing face-to-face contact with producers. Not every producer owns a computer. Expecting our farmers and ranchers to drive further distances, especially with the realities of living on a farm, is not acceptable. We need to meet the needs of communities around the country for rural development projects. There is a wide range of jurisdiction that comes under the authority of this subcommittee for rural development, such as housing for low-income people who would otherwise not be able to have housing. Also, we have important components in the bill relating to food safety. We are confronted with threats to our country from terrorist activities that relate to food safety. We are confronted with threats to our country from terrorist groups, so this makes us worry about bioterrorism and being able to develop an infrastructure to protect ourselves against any efforts to contaminate our food supply or to wreak havoc in our communities with other terrorist activities that relate to our food supply and its sources. For that purpose, we have invested in research and other initiatives that will help us more successfully deal with these challenges to help assure the American public that the food supply is safe, wholesome, and nutritious.

In that connection, too, we realize this subcommittee has the responsibility of funding the school feeding programs so that school lunch programs, school breakfast programs, and others maintain healthy diets for children in school throughout our country to bring to them nutritious and safe foods.

We just reauthorized in the legislative Committee on Agriculture last year the bill that authorized the funding of these programs. We have new initiatives, such as fruit and vegetable programs that help assure that schools are able to access and provide a wide variety of healthy foods for children in the public school systems of our country.

These are very important steps, building upon a legacy by previous Congresses that have faced these challenges and expanded the benefits so that more and more students are reached by these programs.

We try to make sure the costs of these programs are controlled so that they are not priced out of the system. We want to make sure that in our public schools, there are free and reduced-price lunches available in our schools for those who cannot afford the full cost of these meals.

I also want to point out that access to communications systems, to rural water and sewer systems, to modern electricity facilities that are available in rural areas—where providing such services is much more expensive per consumer than it is in urban areas—is made available through Federal programs that help assure access of farm families and others who live in rural areas of our country to these important quality-of-life situations.

I have made a tremendous contribution throughout rural America in promoting economic development using business and industrial loans, trying to attract good-paying jobs to small towns and rural communities. Those programs are funded in this bill, too.

I might say for the purpose of showing the commitment, in many of these areas we have increased the funding over previous year levels of funding.

The Food and Drug Administration is an independent agency that is funded in this bill as well. Such initiatives as medical device review to assure safety for the consumers, drug safety, and the pharmaceutical products that are supplied throughout our country have to meet certain standards imposed by the Food and Drug Administration.

This year, we are providing an additional $5 million to the Food and Drug Administration for the purpose of helping ensure drug safety. The medical device review account is increased by $7.8 million over last year’s level. I have mentioned our efforts in counterterrorism and food safety. That is also within the purview of the Food and Drug Administration, and the funding there is $16.6 million above last year’s level. To help meet those challenges, we have had to make adjustments elsewhere in the bill to keep it within the allocation permitted by the Budget Committee.

There is not a specific account in here directed to hurricane victims. The recent hurricane that struck the Gulf Coast States has caused a tremendous amount of damage throughout the Gulf of Mexico States—Louisiana, Mississippi, and Alabama. I think there are more counties in my State of Mississippi affected than any other State. The geographical area was so large, it is just horrible to contemplate the total amount of physical
was talking about the strong support the quorum call be rescinded.  

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2744, 2006 Agriculture, Rural Development, and Related Agencies Appropriations—Spending Comparisons—Senate-Reported Bill

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Note: Details may not add to totals due to the rounding. Totals adjusted for consistency with Housekeeping conventions.
MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be a period for morning business within which Senators may be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DeWINE. Mr. President, I ask unanimous consent to speak for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

HONORING OUR ARMED FORCES

ARMY CAPTAIN DENNIS L. PINTOR

Mr. DeWINE. Mr. President, on October 11, 2004, the Lima, OH, newspaper received an e-mail that said the following:

Greetings, My name is Captain Dennis Pintor . . . I was born and raised in Lima and lived there until I enlisted in the Army in 1992. During my enlistment, I have requested the help of the citizens of Lima to assist in our efforts here in Baghdad. School here has just begun, and the kids need supplies. I make a difference in the kids and my soldiers. I appreciate any assistance . . . the people of Lima can offer. Respectfully—Captain Dennis Pintor.

Tragically, that same newspaper reported the captain's death just a few days later. He was killed when an improvised explosive device detonated near his patrol vehicle in Baghdad. At the news of his death, family friend Lillian Abelita remembered that Dennis was "one of a kind" and that he touched thousands of lives. She noted that Dennis's "last wish was for the Iraqi children." "It wasn't even for himself," she said. The focus of his life had always been giving all that he had for others.

Dennis Pintor was born and raised in Lima by loving parents, Bert and Ellen Pintor. He was the big brother whom siblings Bob, Sara, and Diana looked up to.

Dennis attended Elida High School, where he belonged to several teams and clubs. He played soccer and tennis, was on the yearbook staff, and started the Red Knees Club for his fellow basketball players who didn't get much playing time. John Hullinger, a teammate, remembered that "Dennis was not one to complain about sitting on the bench. He made the most of it and had fun with it."

Dennis made the most of everything, including his academic studies. Dennis wanted to learn. Alan Chum, a guidance counselor at Elida High School, had Dennis in several math classes. He recalled that Dennis was an "inquisitive" student who would "bring an energy that kept the class going."

"Teachers wanted Dennis in their classrooms. Allen emphasized that "[Dennis] had a knack for being able to answer questions and ask good, appropriate questions. He was just a good kid—great to have in class."

Dennis excelled academically and earned an appointment to the U.S. Military Academy at West Point where he trained to be an engineer. He graduated in 1998 and then went on to complete Army Ranger School. Dennis quickly became a well-respected superior who was known for putting his men first.

Dennis served as a peacekeeper in Kosovo—an assignment that suited his desire to help those who needed it most. In 2002, Dennis was assigned as Company Commander of Bravo Company, 20th Engineer Battalion, based in Fort Hood, TX.

Dennis was Army through and through. One of Ellen Pintor's favorite memories of her son is when he would visit her classroom at North Middle School on Veterans Day. He would playfully give the kids orders and assign platoon leaders. Dennis would order the kids to stand in line and if they wouldn't do what he said quickly enough, he would command: "Drop and give me five!" Simultaneously, Dennis would drop to the floor and do push-ups with the kids.

While he was in the Army, Dennis was lucky enough to meet the love of his life—Stacy—and married her in 2000. The two were meant for each other. Stacy called her husband, "a glimpse of heaven." She said that "it was love that struck our souls. Individually we were strong, but together we were powerful." They were blessed with a baby girl, whom they named Rhea.

Being together with his wife and daughter was so very important to Dennis. However, he also felt a great sense of duty to his fellow soldiers and to his Nation. His unit was called for deployment to Iraq in March 2004. Although it was difficult to leave his family, Dennis had a job to do. While overseas, Dennis was in charge of rebuilding and securing the safety of several schools in Baghdad. Dennis realized that Iraqi children needed help—and they needed supplies. He enlisted the help of those in his hometown of Lima to give what they could. As he had so many times before, Dennis had the needs of others foremost in his mind.

CPT Jay Wisham, a member of Dennis's unit, noted that he was not surprised Dennis was trying to secure school supplies for the Iraqi children. He said this about Dennis:

He was just a very good guy all the way around. He firmly believed in what we were doing over there. All he wanted to do was make things better for whomever's life he touched.

Indeed, Dennis touched many lives. After his service, Dennis wanted to return to West Point as a professor. David Garrison said this about his nephew:

[Dennis] refused to take the easy way through life. As an officer, he was determined to receive all the tough training. Unfortunately, America's future cadets will never have the chance to learn what this West Point hero might have taught.

Although Dennis will never teach those West Point cadets in the classroom, he will teach them through his legacy. He will teach them through the love he had for his family and through the lives of those Iraqi children, who now have the opportunity to go to school.

At the memorial service following Dennis's death, his uncle David explained that "was loved so strongly by so many because he loved so selflessly." The Reverend Henry Sattler, who married Dennis and Stacy, noted that Dennis "knew in the career he'd chosen that he would have to lay down his life for his friends . . . and he said yes."

CPT Dennis Pintor was a selfless man. Thanks to his efforts, more than 30 boxes of school supplies were sent to Iraq.

Thanks to his efforts, hundreds of Iraqi children have a chance for a better life.

Thanks to his efforts, the Iraqi people have a chance for freedom.

My wife Fran and I keep Dennis's wife and daughter and his parents and siblings in our thoughts and in our prayers.

ARMY SERGEANT BENJAMIN BISKIE

Mr. President, today I remember and pay tribute to a young man from Vermillion, OH, who gave his life for our freedom and for the freedom of the people of Iraq.

Army Sgt Benjamin Biskie gave the ultimate sacrifice—his last true measure of devotion—on Christmas Eve, 2003. His vehicle struck an improvised explosive device near Samarra, Iraq. He was 27 years old.

Ben was born and raised in Arizona with his two sisters, Andrea and Darlene. He attended Tucson Junior Academy until he moved with his mother, Della, to Ohio in 1993. There, he graduated from Vermillion High School one year later. Followed graduation, Ben enlisted in the Army, but not before he met his future wife, Marcie, that summer while working at Cedar Point amusement park. The two quickly fell in love and were married.

Although Ben was proud to serve in the U.S. Army, his crowning achievement was the birth of his son Benjamin, Jr. Ben's Army comrades remember how he constantly told stories about his son.

Ben was training at Fort Leonard Wood, MO, where he, Marcie, and Ben, Jr. made their home. Ben, Sr., would eventually serve one year in South Korea before he was sent to the Middle East.

Though Ben did not want to leave his young family, he did not hesitate when he and the rest of the 5th Engineer Battalion, 1st Engineer Brigade were called to serve in Iraq in April 2003.

The men of the "Fighting Fifth" were attached to the 4th Infantry Division and were tasked with laying roads and bridges for the Division's advancement. Following the successful completion of that mission, Ben and the rest of the Battalion aided the reconstruction efforts in Iraq.
Ben believed in the work he was doing to rebuild the lives of Iraqi people. Like the dreams he had for his own son, Ben knew that his work would give hope for a promising future to so many Iraqi children—hope that had not prevailed for years. As Fort Leonard Wood Chaplain Gregory Tyree said at the memorial service in Ben’s honor:

“Ben—your voice is always on my mind. I’ve been thinking about you a lot lately and everything that I wish I could say to you. More importantly, thank you. Thank you, Ben, for fighting for our freedom. Thank you, Ben, for making my sister so happy and for giving me the greatest nephew anyone could ever ask for. Thank you, Ben, for all of the lessons you have taught me, even if I didn’t see the entirety of them until after you were taken from us. Thank you, Ben, for coming to visit me in my dreams on days when you know I need you the most. You are a true hero who will never be forgotten.”

Indeed, we will always remember Benjamin Biskie. He was a devoted husband, father, and soldier, who dedicated his life to helping people he did not know while protecting those he loved at home. On that Christmas Eve in 2003, our Nation lost a great man.

I would like to close my remarks with the words of Marine Sgt Jason Long, who served as Michael’s squadron leader. Following Michael’s death, Sergeant Long wrote the following on an Internet tribute:

“Mr. President, I come to the Senate floor this afternoon to pay tribute to a remarkable young man who died in defense of freedom. Luke Adam Petrlik of Conneaut, OH, was killed on April 21, 2005, when his helicopter was shot down a few miles north of Baghdad, Iraq. He was just 21 years old.

Luke was one of those special and courageous individuals, who spent his life defending others. At the time of his death, he was working for a private security company to provide protection for American diplomats in Iraq. Previously, he had served as a decorated Army Ranger, with tours in both Iraq and Afghanistan. After his work in security, Luke had hopes of rejoining the military as a Navy SEAL. Luke knew his dad and accepted the challenges of this life.

Born on April 1, 1981, in Ohio, Luke knew from a young age that he wanted to serve his country.”
to live a life of adventure. As a young boy, he joined the Boy Scouts. Luke’s Scout leader, and the man who would later serve as his high school principal, John Posila, remembers Luke as “an exceptional kid and very, very intelligent. From the time Luke was in Scouts, I think he had an interest in the military.”

In every aspect of his life, Luke sought out new experiences. His boyhood friend, Josh Brooks, said that “you could get a million stories with Luke. Every time you hung out with him, there would be some kind of story.” Along with memorable stories, spending time with Luke also meant that much laughter would ensue. Luke had a great sense of humor, according to everybody who knew him. Friends contend that there was no one who told worse jokes. He told jokes that were so bad, according to his friends, that you couldn’t help but crack up. Although he was everything that you would expect from a future Army Ranger—tough, disciplined, smart, and courageous—he was also riotously funny.

Throughout his time at Conneaut High School, Luke knew that he wanted to serve in the military on the front lines. In 1998, he immediately enlisted in the Army and trained to join that elite fighting force, the Army Rangers. Given his discipline and desire, it is no surprise that he was successful. As a paratrooper in the 3rd Ranger Battalion, Luke joined in the hunt for Osama bin Laden in Afghanistan.

Luke’s experience with the Rangers was a perfect opportunity for him to demonstrate his extraordinary bravery and toughness—toughness that was legendary among his family and friends. Luke’s stepfather, Eldridge Smith, remembers a remarkable story. While parachuting for a mission, Luke broke two bones in his foot. He was slated to become a Navy SEAL. His stepfather said that Luke “missed special operations work [and that] he had a warrior’s heart and had to do what he loved.”

Tragically, though, Luke would not get the chance to become a Navy SEAL. On April 21, 2005, he boarded a helicopter flight bound for Tikrit. He was going there to provide security detail for American diplomats. His helicopter was shot down by insurgents a few miles north of Baghdad. Luke and the 10 other civilian passengers and flight crew were killed.

A memorial service was held for Luke on Saturday, May 7, 2005, at the First United Methodist Church in his hometown of Conneaut. Pews were packed with mourners, from former schoolmates to friends, family, and his fellow Rangers. A red oak tree, a tree planted at Conneaut Lake in his honor, would grow in his memory.

In observance of Arbor Day, the Conneaut Tree Commission hosted a tree planting ceremony at Malek Park Arboretum to honor local men and women serving in Iraq. A red oak tree was planted in Luke’s memory. It serves as a symbol of life and strength. This is how Luke is remembered—as a vital, happy young man.

In a beautiful letter to me, Luke’s stepfather Eldridge wrote that “I am having a life celebration for Luke and the way he lived his life, where the emotion and spirituality will far outweigh the oppressive grief.”

My wife Fran and I keep all of Luke’s family and friends in our prayers. Luke Petrlik will never be forgotten.

I suggest the absence of a quorum.

The PENDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be waived.

The PENDING OFFICER. Without objection, it is so ordered.

POSTSECONDARY EDUCATION

Mr. ALEXANDER. Mr. President, today in North Carolina, the Secretary of Education, Margaret Spellings, delivered remarks that announced her intention to create a new commission to take a comprehensive look at postsecondary education in the United States. I am here to say that Secretary Spellings is on exactly the right track with her new commission. The idea is an excellent one and long overdue. While the United States has been conducting a lot of debates—many in this Chamber—about outsourcing jobs, we have been very successfully insourcing brain power. Insourcing brain power has been our secret weapon for economic growth. It is the main reason we have 5 percent of the world’s population and about one-third of the world’s money. Our unrivaled system of colleges and universities, together with our national research laboratories, have been our magnet for attracting and keeping home the best minds in the world who have, in turn, helped provide the new jobs produced by science, who have, in turn, helped provide half the new jobs since World War II. The National Academy of Sciences estimates that one-half of our new jobs since World War II have come from advances in science and technology. This secret weapon for jobs’ growth is at risk if we do not take several urgently needed steps. Taking a comprehensive look at the Federal role in higher education is a good first step. This should have happened years ago. In fact, my greatest regret, as Secretary of Education under the first President Bush, is that I did not volunteer to be the point person in higher education in the Federal Government. Almost every Federal agency regulates some aspect of higher education. Last year, the Federal Government, all
across the board, spent about $63 billion on all forms of postsecondary education. That includes grants, as well as what call the Pell grants, student loans, money for research, the cost to the Federal taxpayers of the student loans, and everything. But despite the great interest and despite the fact that nearly every Federal agency is involved, not just the Department of Education, there is no one Federal official charged with giving the President an overview of higher education.

There was a time 12 years ago—and the Presiding Officer, because of his interest in higher education, may remember this—that the Department of Defense was concerned about being overcharged by many of the universities in the amount of overhead the universities were spending in order to do Department of Defense-sponsored research. That was a legitimate concern, but someone other than the Secretary of Defense should have been in the room advising the President about that because these universities, which were having to cough up money to pay back the Federal Government, which perhaps they should have, needed to make sure, in our national interest, that we are using these great research universities that we have because those great research universities have been a major part of giving us the science and technology edge that gives us our standard of living. That is what I meant by saying there has been no one person in the Federal Government appointed by the President to look at the whole range of activities in postsecondary higher education, and there should be.

I am chairman of the Energy Subcommittee, a committee upon which the Presiding Officer serves. With the consent of our committee chairman, Senator DOMENICI, Senator JEFF BINGMAN and I—Senator BINGMAN is the ranking Democrat on the Energy Committee—have asked the National Academy of Sciences to recommend steps that the Nation should take over the next 10 years so that we can keep our edge in science and technology while we are grappling with tough budget issues. Those hearings will begin in October. The hearings that Senator BINGMAN and I intend to conduct on overseeing the principal basis of support for higher education traditionally grew only 6.8 percent during the last 5 years. State Medicaid costs are squeezing State budgets. If this trend continues, the result will be lower quality higher education and much higher student tuition. I brought with me two charts to illustrate what I am talking about. Here is a chart on trends in higher education nationally over the last 5 years since 2000. State spending on Medicaid is up 35.6 percent over those 5 years. State spending on higher education is up 6.8 percent over the 5 years. And tuition at a 4-year public university is up 38 percent over the 5 years. That is the State picture.

At the same time, the Federal Government has been doing pretty well. Federal spending on all forms of postsecondary education over those last 5 years has risen 71.8 percent. So the picture has been that in the States, State spending on Medicaid is up. State spending on higher education is flat, pretty flat. And tuition at 4-year public universities is up, way up.

In my own State of Tennessee, the situation is even more pronounced. Tennessee’s spending on Medicaid in the last 5 years has risen 43 percent. State spending on higher education during that time is only up 10 percent. Tuition at a 4-year public university in Tennessee over those 5 years is up 43 percent. Medicaid spending is up, and State spending on higher education is fairly flat. Tuition at 4-year public universities is way up. That is a bad trend, if it continues over the next 10 years.

A second reason that our university system may be at risk is that even though for all forms of postsecondary education has been generous over the last 5 years, up 71.8 percent, that kind of increase is not likely to continue as Medicaid, Medicare, and Social Security costs put new pressures on the Federal budget. That is one reason Senator BINGMAN and I have asked the National Academy of Sciences to suggest to us the 8 or 10 things we must be sure to do to keep our edge in science and technology. I am sure while we are grappling with the budget to try to restrain the growth in spending, we want to make sure we don’t squeeze out investments in science and technology that give us the standard of living we enjoy today.

The next reason that higher education may be at some risk is national security. Tight visa rules and other national security restrictions are making it harder for the more than one-half million foreign students and additional researchers who now come to our universities and laboratories. More importantly, scientific conferences are being held overseas. We have taken for granted that we have been insourcing brains. The brightest students and researchers from China, the brightest from India, from France, from Germany, where do they want to go? They want to come to the United States.

Over the last 12 years when I was Governors of Tennessee and Virginia, we would sometimes hear complaints from students who were being taught by graduate students who did not speak English very well. But in fact, these brilliant people from around the world—more than a half million of them, have come here to do the kind of work that helps us create our high standard of living. Sixty percent of our postdoctoral students are foreign students. One-half of our graduate students in computers, engineering, and in sciences are foreign students.

In a way, it is a little like our natural gas problem. We are going to be importing liquefied natural gas from overseas to try to keep our prices down. We are already importing brainpower from overseas to keep our standard of living up. And while we need to put a focus on homegrown brainpower over the next 10 years needed to make sure that our universities and colleges continue to be a magnet for the brightest people from around the world.

At the same time, we have something else happening. Many countries, including India, China, Germany, and Great Britain, are reorganizing and improving funding for their universities and creating incentives to keep their most talented students at home. They are asking themselves: Why should we send our brightest minds overseas to help the Americans create a higher standard of living for themselves when they can do it right here at home?

So we are going to be facing more competition from the Indian Government. Chancellor Schroeder, who was visiting with us a few weeks ago, was talking about the amount of new dollars Germany is putting into universities. They believe they have become overregulated, that they have become bureaucratized, and that they have become, in some cases, mediocre. He knows that if Germany wants to compete and wants to have a higher standard of living, they are going to have to have better universities that are magnets for keeping home their brightest students and researchers and attracting the best from around the world.

There is one red flag I would like to wave, in conclusion, about the early reports on Secretary Spellings' decision to create a higher education commission. We need to look at the Federal role in postsecondary education. Some have pointed out that our system of higher education in the United States is very decentralized, and it may be for that reason that we are not taking a comprehensive look at higher education.

I, for one, believe that our decentralized system of higher education in the
United States is one of its greatest possible strengths. The model we use for higher education is a very simple one. It is a marketplace model. We have more than 6,000 institutions—public, private, for-profit, nonprofit. They are autonomous, and we respect their autonomy.

We have generous Federal funds that follow 60 percent of our students to the institutions they choose with Federal grants or Federal loans. We have peer-reviewed research that goes to the very best institutions. So I do not want to see any Federal commission that sends a signal that we may need some Federal centralization of our control over higher education. In fact, we need to be doing just the reverse.

I introduced earlier this year legislation that would help to deregulate higher education and number of those provisions have been incorporated into the Higher Education Act that was reported by our Health, Education, Labor, and Pension Committee. I believe our higher education system is the best in the world because it is decentralized, because institutions are autonomous, the Federal Government has been generous, and the money follows the students to the institutions of the students' choice.

I commend the Secretary of Education today for her attracting such outstanding persons—for example, the former Governor of North Carolina, Jim Hunt, to be a member of this commission; Charles Miller, former chairman of the Board of Regents of the University of Texas, to be chairman of the commission.

I cannot think of more important work to do. We not only need to insource brainpower, we need to home grow a lot more of our brainpower, and if we do not, we will not enjoy this standard of living that we have had.

I can recall last year a meeting in the majority leader's office that Senator Frist and the Senator from Texas, Kay Bailey Hutchison, hosted. It was an opportunity for several of the Senators to meet the former President of Brazil, Mr. Cardoso. He had spent a semester here in residence at the Library of Congress. I remember Senator Hutchison's last question to President Cardoso. She said: Mr. President, when you go back to Brazil, what will you take back home with you about the United States of America?

President Cardoso didn't hesitate a minute. He said: The excellence of the American university. There is nothing in the world like it.

That is a great compliment to our country and to our system of higher education from one of the most erudite men in the world, the former President of Brazil.

But the yellow flags and red flags are waving because as we look ahead over the next 10 years, our system of higher education and, therefore, our standard of living is at risk because of a flat State funding, because of upcoming pressures on the Federal budget, because of tight visa rules and other national security concerns, which are understandable but will have this effect, and because other countries in the world are recognizing there is no reason in the world why the Americans should have 5 percent of the people and a third of the money. They have the same brains we have in India, in China, in Germany, so we will just keep our smarter people at home, they are saying, and we will create that standard of living for ourselves.

I look forward to working with Secretary Spillings. I would like, 10 years from now when the majority leader invites the former President of Brazil or any other President of a country to the office and we turn around and say to that person, Mr. President, what will you take home about the United States? I would like for that President of another country to be able to say to us: The American university. There is nothing like it in the world.

I believe that is true, but I believe we have some work to do over the next 10 years to keep that truth.

Mr. President, I ask unanimous consent to print in the CONGRESSIONAL RECORD two charts that I referred to in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### HIGHER EDUCATION: TRENDS IN STATE SPENDING AND TUITION INCREASES

<table>
<thead>
<tr>
<th>State spending on higher education (all postsecondary education) (000's)</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal spending</td>
<td>$36,668,849</td>
<td>$40,436,408</td>
<td>$50,309,676</td>
<td>$58,676,287</td>
<td>$62,983,202</td>
</tr>
<tr>
<td>Percent increase/decrease</td>
<td>10.3%</td>
<td>24.4%</td>
<td>16.6%</td>
<td>7.3%</td>
<td>71.8%</td>
</tr>
</tbody>
</table>

**2002 is President Bush's first budget covering the fiscal year beginning October 1, 2001.

**Includes Pell Grants, Other Student Aid (aid that passes through institutions or states: for example LEAP—Leveraging Education Assistance Partnerships and SEOG—Supplemental Educational Opportunity Grant), Administrative costs of loan programs. Other Postsecondary Programs (e.g., Dept. of Veterans Affairs (Montgomery GI Bill), Dept. of HHS (NIH training grants), Dept. of Defense (tuition assistance for military personnel and operation of service academies), and Federally Funded Research at Postsecondary Institutions.

Nationally since 2000:

<table>
<thead>
<tr>
<th>State spending on Medicaid (000's)</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total State Higher Education Appropriations (000's)</td>
<td>$984,858</td>
<td>$1,039,373</td>
<td>$1,071,515</td>
<td>$1,106,889</td>
<td>$1,008,681</td>
</tr>
<tr>
<td>Federal spending</td>
<td>$1,004</td>
<td>$1,073,189</td>
<td>$1,171,515</td>
<td>$1,259,689</td>
<td>$1,128,681</td>
</tr>
<tr>
<td>Percent increase/decrease</td>
<td>5.5%</td>
<td>3.1%</td>
<td>3.3%</td>
<td>3.3%</td>
<td>35.6%</td>
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HIGHER EDUCATION: TRENDS IN STATE SPENDING AND TUITION INCREASES

State spending on Medicaid up 35.6 percent.

State spending on higher education up 6.8 percent.

Tuition at a 4-year public university up 16.6 percent.

Tuition at a 4-year public university up 10.6 percent.

Average Tuition—Public 4-Year Institutions

<table>
<thead>
<tr>
<th>Funding levels (fiscal years)</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
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Mr. ALEXANDER. Mr. President, I would also like to follow my remarks with this information from the American Council on Education that sheds additional light on the comparison of State and Federal spending.

In 1995, the State spent $2.16 on higher education for every Federal dollar spent on higher education. In 2000, States contributed $1.55 for every Federal dollar spent on higher education. In 2005, States spent 94 cents on higher education for every Federal dollar spent.

So very quietly, we are seeing a major shift in how we finance higher education. States are doing less, the Federal Government is continuing to
be generous, and students are asked to do more. The insidious part of this is that traditionally, States have been the largest part of funding for higher education. So very quietly we see States go from spending $2.16 for every dollar spent, which was the case in 1995, to less than a dollar spent for every Federal dollar spent, which is the case 10 years later in 2005.

That is a major shift in funding, and we in the Congress and Secretary Spellings' new commission and the work of Dr. BROWNBACK and I are doing with the National Academy of Sciences need to take note of this and ask what will happen if we have 10 more years of these financing trends.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from the Commonwealth of Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in my minority business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, before I get into the third branch of Government, I want to remark and associate myself with many of the comments that were stated by Senator ALEXANDER of Tennessee. I do believe this country, for its long-term competitiveness, must interest and encourage more young people to get involved in science, engineering, and technology.

The fact is, 40 to 50 percent of our students in engineering schools are from overseas. That is good. America ought to be a magnet for the best brains in the world. I want this country to be the world capital of innovation, and to be the world capital of innovation, we need more young people interested in engineering, technology, and science.

I have a great concern that we are not matriculating sufficient numbers of students in this country in areas where new inventions and innovations and intellectual property will be created. We have about—and I think the Senator from Tennessee will corroborate this—50,000 engineers graduating every year. India has about 150,000 engineers graduating every year.

There are a variety of things we must do in this country to be more competitive, to teach young people what our students in public schools in California because the Pledge of Allegiance cannot be recited in public schools in California every day. India has about 150,000 engineers graduating every year.

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of the words “under God.” This judge was following the Ninth Circuit in which California is located. I will give some of my colleagues a bit of legal education. When there is a legal analysis of an unconstitutional establishment of religion, the Supreme Court has applied the three-pronged test. This three-pronged test applies to all the States in the country, even these Federal courts in California who strike down laws and misconstrue the Constitution, thwarting the will of the good people of California. Here is the plain text that the U.S. Supreme Court has applied in such cases.

The test as articulated in the U.S. Supreme Court case of Lemon v. Kurtzman. It is called the Lemon test. The first test is used to determine whether public activity had a primarily secular purpose. In this matter in California, the Pledge of Allegiance is primarily a patriotic event and purpose.

The second test is called the endorsement test. In this California matter, there is no endorsement of any denomination of any religion. So the endorsement test fails because there is no endorsement.

The third test is called the coercion test, and there is no coercion here for students.

The Supreme Court has commented that the presence of “one nation under God” in the Pledge of Allegiance is constitutional most recently the Fourth Circuit Court of Appeals, which includes the circuit of Virginia, the Carolinas, West Virginia, and Maryland. The Fourth Circuit ruled in a case called Myers v. Loudoun County Public Schools that the Pledge of Allegiance is constitutional.

If this current decision in California that came down last week is not remanded by the Ninth Circuit Court of Appeals, I surely hope the Supreme Court of this country will granting review. I certainly think that the presence of “one nation under God” in the Pledge of Allegiance is constitutional.

Today it is the will, unfortunately, of a few unelected judges that seek to remove those words from the Pledge of Allegiance. When one is dealing with Federal judges, they must get into the history, once again, that they are appointed for life. Most States do not have judges appointed for life; they are appointed for terms. The people have recourse from time to time to remove them. California has a way of recourse on State judges who are first appointed, but then there is a retention possibility.

Federal judges, though—unfortunately Alexander Hamilton, in fact, in this debate with Mr. Jefferson who wanted judges appointed for life. Hamilton wanted them for life and Hamilton won. These Federal judges get selected and they are on there for life.

Something that I know the President and others try to do is try to discern their views. Judges ought to have a greater respect for the will of the people.

The State of California is not unique in encouraging students to engage in an appropriate patriotic exercise. In my Commonwealth of Virginia, we have a statute requiring a daily recitation of the Pledge of Allegiance in every public classroom in our Commonwealth. It is thoughtfully crafted. The Virginia statute provides that no student shall be compelled to recite the pledge if he, his parent, or legal guardian objects on religious, philosophical, or other grounds to his participation in this exercise. Students may exempt from reciting the pledge and shall remain quietly standing or sitting at their desk while others recite the pledge.

Mr. Jefferson was elected in 1800. He took office in 1801, at the same time that this Capitol Building was being used for Christian worship services. If the author of the Statute of Religious Freedom—and it was authored by the great President Thomas Jefferson—was still with us today, how would he have viewed today’s Federal decision and the arguments made? Would he have been pleased to see that the presence of “one nation under God” in the Pledge of Allegiance is constitutional?
The reason I talk about this is when I was Governor in 1996, I was able to sign, and happy to sign, this into law. It is a law that has commonsense provisions requiring the Pledge of Allegiance, but also with provisions to develop, Army Corps of Engineers. He will not want to say it, he or she can sit quietly in the classroom. But that should not thwart the desire of the people, whether it is in counties in California or counties in cities and towns in the Commonwealth of Virginia or in the plains of Kansas or in the Rocky Mountains or anywhere else. If that is what they so desire, then the people ought to be able to have that in their public schools.

I sense that most Americans agree that the Pledge of Allegiance should remain in our schools and other public functions. As it is today, it should be voluntary and should be a matter of public conscience.

On this issue, similar to so many others, the Ninth Circuit Court of Appeals is out of touch with the people and flat-out wrong. This errant decision clearly points out the need to put, reasonable, well-grounded judges who have common sense on the Federal bench, rather than these delusional activists who ignore the will of the people of the United States. The promise of America is rooted in one idea, that the direction of our country is, and will always be, determined by the consent and the will of the people.

If there is anything to be understood from our Constitution, our Bill of Rights, it is that the Government is instituted by the people. They may have representative government through the States, but the Bill of Rights is there to protect our God-given rights. Some rights of ours are to have a government, with our consent, that reflects our values.

I hope, in this particular case, which is illustrative of others, that either the Ninth Circuit, or the United States Supreme Court will reverse this egregious decision that bans the Pledge of Allegiance in public schools. The will of the people ought to be respected.

I will close by saying this: God bless America; and I am glad I am still allowed to say it. I wish the kids were able to say the Pledge of Allegiance or God bless America in their schools, without worrying about some unelected Federal judge coming in and thwarting the will of the people, the decency and wholesomeness of the people of this country. I am hopeful we will soon have John Roberts as Chief Justice of the Supreme Court and other men and women, whether on the Ninth Circuit or other Federal courts, who understand the foundational principles of this country.

I yield the floor.

I suggest the absence of a quorum.

The Senator from Nevada [Mr. Reid], for Mr. Nelson of Nebraska, proposes an amendment numbered 1732.

Mr. Reid. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows:

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan) On page 173, after line 24, insert the following:

SEC. 7 . None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled “Importation of Whole Cuts of Boneless Beef from Japan”, dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

Mr. Reid. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McConnell. Mr. President, I rise today to recognize the outstanding service of a remarkable Kentuckian, Mr. Ronald W. Kiser. Mr. Kiser is the assistant chief of the Engineering Division for the Louisville District of the U.S. Army Corps of Engineers. He will retire from the Corps of Engineers this September 30 with over 36 years of dedicated service to our Nation.

A Louisville resident for decades, Mr. Kiser is originally a native of Charleson, WV. He began his career with the Corps of Engineers in the Huntington District, in West Virginia, upon graduation from the West Virginia University Institute of Technology, where he
earned a bachelor’s degree in civil engineering. During his time with the Huntington District, Mr. Kiser’s duties included evaluating buildings for safe refuge from nuclear fallout, overseeing relocations of railroads and highways at major flood-control projects, and navigation projects, and participating in emergency disaster recovery.

In 1974, Mr. Kiser was selected to lead the Relocations Branch of the Engineering Division of the Louisville District. His work involved many aspects of civil-works projects, including the design of Zilpo Road at Cave Run Lake, in northeastern Kentucky, which is now featured in a register of America’s most scenic highways. Over the next 10 years, Mr. Kiser not only served the Louisville District, but was solicited by the Pittsburgh District and the Europe Division, in addition to earning a master’s degree in civil engineering from Ohio State University. While assisting the Pittsburgh District, Mr. Kiser led the relocations associated with the Stonewall Jackson Dam Project and the Monongahela River Locks Renovation Project. During his time with the Europe Division, he managed military operations and maintenance projects totaling approximately $200 million a year.

Mr. Kiser returned to the Louisville District in 1983 and was selected as chief of the Army Section in the newly established Military Branch that had been formed to oversee the Louisville District’s military mission. Thanks to his leadership, vision, and dedication to the Louisville District, he earned a reputation for excellence in execution that it retains to this day. Among the many major military installations Mr. Kiser helped oversee are Fort Campbell and Fort Knox, both in Kentucky, and many Army Reserve facilities nationwide.

During this time, Mr. Kiser extended his leadership well beyond his assigned missions. He mentored Captains Robert Rowlette and Mike Pratt, who both went on to become Corps of Engineers District Commanders. He worked on the Standardized Design Program Committee for the Corps of Engineers Headquarters. He led the Louisville District to become the Centers of Expertise for Centralized Vehicle Wash Facilities, Bowling Centers, and Class 6 Beverage Stores. And he was a key player in organizing the first MILCON Conference, and developing the standard “partnering” clause for construction contracts.

Mr. Kiser continued his leadership role in the Louisville District’s Engineering Division throughout the 1990s, in positions ranging from chief of the first Army Corps of Engineers Port Prague to his current position of assistant chief of the Engineering Division. His devotion to the U.S. Army Corps of Engineers over several decades has made for a stronger, safer, more prosperous Nation for his fellow Kentuckians, and for all Americans.

A good neighbor and a valued steward of our defense assets and natural resources, Mr. Kiser will be remembered for his spirit of service, patriotism and dedication to his country. On the occasion of his retirement, I ask my colleagues to join me in extending best wishes to Mr. Ronald W. Kiser.

TRIBUTE TO ARTHUR “ART” EDWARD BERNARD

Mr. REID. Mr. President, too often, the civil servants who make a State run properly do not get the recognition they deserve. Arthur “Art” Edward Bernard is one of those men. Today, I rise to honor a man who has left a lasting impact on Nevada through his work in government.

Art Bernard was raised in the mining camps of Utah before striking out on his own at the age of 16. His travels brought him to the Bristol Mine in Pioche, NV. There, he worked in the hardscrabble world of “mucking” or loading the ore. Mucking is all about brute strength, and Art won mucking contests throughout Nevada. The toughness and tenacity he showed as a miner served Art well in his appointment as State Mine Inspector in 1947. In this capacity, he worked to improve the safety standards of the mines.

His work was noticed by Governor Charles Russell, and Art was appointed warden of the Nevada State Prison in 1950. At first, Art had doubts about his ability to handle the responsibilities of a position he had no previous experience in the prison system. Like any good miner, Art refused to become discouraged, and he embraced the new challenges of his position.

Art’s tenure could not have come at a better time for the Nevada State prison; he navigated the tumultuous changes occurring in prisons across the country. Demanding better living conditions, prisoners across the country rioted and the Nevada State prison was no different. Art was determined to meet the new demands and he allowed a commission of three prisoners, whom he dubbed “the three wise men,” to submit prison grievances directly to him. Art refused to cave to their demands. Instead, he barricaded the prisoners in the prison yard for 3 days until the protest disbanded peacefully.

As part of the settlement, Art allowed a commission of three prisoners, called the “three wise men,” to submit prison grievances directly to him. Art viewed the inmates as students at what he dubbed “Greystone U.” Over the next 10 years, Art developed a close relationship with the inmates, and he made himself available to any inmate who wanted to see him during daily walks around the grounds. He worked to improve the quality of life at the prison by establishing a boxing program for the inmates and a prison orchestra.

Art’s revolutionary ideas jump started the work program at the Nevada State prison. Art applied his mining background to prison life when he started a rock quarry for the prisoners. Each new prisoner was responsible for a certain quota from the quarry each day. In addition, Art allowed prisoners to work on local ranches and farms as laborers, and the prison received local produce and supplies for the prison in exchange. The prison labor exchange was not the only way Art saved Nevada taxpayer dollars. He also used prison labor to build new facilities at the Nevada State prison.

Art served Nevada in a great time of need and helped modernize Nevada’s prison operations with the strength and tenacity that he learned from mining camps across my State. Most importantly, Art sought to improve the lives and treatment of prisoners when other prison systems were languishing with inferior standards and facilities.

Art’s contributions to Nevada did not stop after his retirement. Recently, Art finished interviews about his life with the Nevada Mining Oral History project. Future generations will be able to hear about Art’s years spent in mines across Nevada, in addition to stories about prison life at “Greystone U.” This oral history is another testament to Nevada history and the man who helped to shape my State. Nevada is a better place because of men like Art Bernard, and he deserves recognition today before the Senate.

FETAL ALCOHOL SYNDROME DISORDERS

Mr. DURBIN. Mr. President, last week, we marked National Fetal Alcohol Syndrome Awareness Day. Today, I rise to introduce legislation to address the prevention and treatment of Fetal Alcohol Syndrome Disorders. I have met with many families in Illinois who have made real for me the challenges, the frustrations and the hope that come with a fetal alcohol syndrome disorder. Vivian Botka brought a picture that her 22-year-old daughter Kristy had colored with crayons. It is a picture of Dr. Robert’s patients, a clock on a desk. Walt Teichman and his family are working to build an independent living home for young adults affected by fetal alcohol syndrome. They want to establish a home for young people such as their son Kevin, who craves independence from his parents yet needs the support and vigilance of adults who understand his limitations.

Last year, then-Minority Leader Tom Daschle proposed the most ambitious, comprehensive plan in history to advance FASD research, treatment, and prevention. I am honored to join my colleagues as we introduce this legislation because, as Senator Daschle says, it is easier to raise a healthy child than heal a broken adult. It is more important to prevent and address their most preventable cause—alcohol use during pregnancy. FASD affects an estimated 40,000 infants each year. That is 1 out of every 100 births.
in the United States. The mental, physical and neurobehavioral effects of FASD include deformities in major organs, slow development, learning difficulties, low IQs, and problems with coordination, memory, attention, and judgment.

We can make a difference in the lives of affected families in Illinois and throughout this country. We can prevent fetal alcohol syndrome disorders. Please join me in supporting the Advancing FASD Prevention and Treatment Act.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I emphasize today the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight hate crime that has occurred in our country.

On April 29, 2005, a Harvard University student was assaulted by a man in downtown Boston, MA. The apparent motivation for the attack was that the student was openly gay.

I note that yesterday in the House, hate crimes legislation was passed in a bipartisan vote. We must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

TRIBUTE TO YAKOV BIRNBAUM

Mr. LIEBERMAN. Mr. President, I pay tribute to the contributions of Yakov Birnbaum, an unheralded American freedom fighter, whose work helped free roughly five million Soviet Jews and tens of millions others persecuted for their faith under the former Soviet Union.

In 1964, Birnbaum launched the Student Struggle for Soviet Jewry at Columbia University to promote awareness of the persecution of Jews in the Soviet Union. His movement ultimately brought with it the pivotal Jackson-Vanik Amendment a decade later, which starved the Soviet government of trade benefits in retaliation for its trampling on human rights.

Birnbaum’s efforts led to freedom for individuals like Natan Sharansky and the emigration from the Soviet Union of more than 1.5 million Jews since. His work also inspired other individuals, organizations and governments to decry the persecution of people of faith by the Soviet government.

By drawing international attention to repression within the Soviet Union, Birnbaum helped remind us all that the defense of human rights and the free-dom to worship had to be battleground issues in the Cold War. The final fall of the Soviet system and the flowering of religious freedom that followed were both thanks to the long and tenacious efforts of men and women like Birnbaum.

For all his work in the cause of freedom we recognize him today.

POLYMER INDUSTRY IN WEST VIRGINIA AND POLYMER APPRECIATION WEEK

Mr. ROCKEFELLER. Mr. President, I rise today to recognize the important role the polymer industry plays in my State of West Virginia. As part of Polymer Appreciation Week in the State, Governor Joe Manchin and I have invited a small group of international polymer executives to West Virginia to showcase investment opportunities available to their companies.

West Virginia’s polymer industry plays an important and vital role in West Virginia’s economy. World renowned companies such as GE Plastics, DuPont, Sunoco, and M&G Polymers have chosen to locate here. West Virginia’s polymer industry is a diverse range of raw materials, highly skilled workforce, and close proximity to 62 percent of the United States industrial market, makes West Virginia a key player in the global market.

The Polymer Alliance Zone of West Virginia—PAZ—is the site of the highest concentration of production of high technology, specialty and engineering polymers in the world. The Mid-Ohio Valley has a long history in the production of industrial chemicals, petrochemicals, and polymers dating back to the 1940s. The region has a proud manufacturing heritage, and today, that expertise and dedication has gained the Polymer Alliance Zone national recognition.

The mission of the Polymer Alliance Zone is to create the most favorable business climate in the world for the plastics industry through a unique partnership among business, education, and government. Since its inception in 1996, the focus of the organization has been the support of both new and existing polymer industries. According to recent calculations by the West Virginia Development office, PAZ has partnered with local, State and private industry to complete 33 projects that have generated more than $529 million of investments.

The Polymer Alliance Zone offers great opportunities for companies looking to locate in West Virginia. The Mid-Ohio Valley location offers easy access to an increasingly global market, and the State’s abundant resources provide companies with affordable, reliable energy. In addition, West Virginia’s favorable business climate welcomes and supports polymer companies through its numerous assistance programs. More importantly, it is the people of West Virginia who make the Polymer Alliance Zone what it is—a vibrant economy, a growing community, and an opportunity that national polymer companies should not miss.

Over the last 9 years, the Polymer Alliance Zone has assisted the West Virginia Development Office and our county development authorities in creating and retaining over 1,000 jobs in the region. This is a large achievement, and in return my State recognizes 9 years of service that PAZ has provided to both the polymer industry and to the State of West Virginia by celebrating Polymer Appreciation Week.

WELLNESS PROGRAM AT BRADLEY UNIVERSITY

Mr. OBAMA. Mr. President, every year, the Inter-Association Task Force on Alcohol and Other Substance Abuse Issues, IATF, gives awards to three universities for their programs against underage drinking and over-consumption of alcoholic beverages. Bradley University, which is located in Peoria, IL, is among the three universities being commended and has the honor of being a National Collegiate Alcohol Awareness Week Finalist for 2005.

I applaud the Wellness Program at Bradley University for its commitment to reduce underage drinking. Alcohol misuse on college campuses is not a new problem. It is entrenched in the culture of many institutions of higher learning and in student lives. The abuse of alcohol among college students is taking its toll not only on the students who drink alcohol in excess but also their student peers, college administrators, health care personnel who counsel student drinkers, and the community at large.

Help, Encourage, and Teach, HEAT, and Social Norming, SONOR, are two programs that have proven to be effective at Bradley University. HEAT strives to provide students with opportunities to promote positive lifestyle choices, such as peer-led workshops and demonstrations. The SONOR program utilizes creative marketing and advertising strategies to disseminate information about healthy living. These programs are making a difference in the lives of our youth by encouraging college students to make healthy and responsible decisions.

Congratulations to Dr. Alan Galsky, Assistant Provost for Student Affairs; Melissa Sage-Bollenbach, the Wellness Program Coordinator at Bradley University; Kelcy Hale, the President of Social Norming; and Chrisandra Ashby, the former president of HEAT for their tireless efforts and outstanding leadership.

Bradley University is to be commended for its innovative and influential alcohol-abuse programs. Representatives of Bradley University recently came to Washington, DC, and visited their Senator’s offices to present their alcohol awareness programs. These award recipients also received a plaque and an award check.
from Dr. Edward Hammond, chairman of the IATF.

I wish the Wellness Program and its leadership the best of luck in their future endeavors and applaud their outstanding achievement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on September 16, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker has signed the following enrolled bills:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster. H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Crockett, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 29, 2005; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Attainment Demonstration for the Shreveport-Bossier City Early Compact Area” (FRL No. 7955–7) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3780. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; New Mexico; San Juan County Early Action Compact Area” (FRL No. 7964–5) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3781. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Attainment Demonstration of the Mountain, Piedmont, Triad and Fayetteville Early Action Compact Areas” (FRL No. 7965–8) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3782. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Central Oklahoma Early Action Compact Area” (FRL No. 7963–8) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3783. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; South Carolina and Georgia; Attainment Demonstration for the Appalachian, Catawba, Pee Dee, Waccamaw, Sandhills, Lynches, Beaufort-Dorchester, Low Country, Lower Savannah, Central Midlands, and Upper Savannah Early Action Compact Areas” (FRL No. 7966–2) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3784. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Colorado; Denver Early Action Compact Ozone Plan, Attainment Demonstration of the 8-hour Ozone Standard, and Approval of Related Revisions” (FRL No. 7965–8) received August 22, 2005; to the Committee on Environment and Public Works.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. Stevens) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 1717. A bill to prevent gas and oil gouging during natural disasters; to the Committee on Commerce, Science, and Transportation.

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; read the first time.

By Mr. INOUYE (for himself, Mr. BEN-NAIM, and Mr. AKAKA):

S. 1719. A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 1720. A bill to provide enhanced penalties for crimes committed using funds appropriated for remediation of any injury or damage caused by Hurricane Katrina; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. CRAFEE, Mr. GASSLEST, Mr. KERRY, Mr. KENNEDY, Mr. HARKIN, Mr. GRAHAM, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, Mr. DEWINE, and Mr. CORZINE):

S. 1721. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. DURBIN, Mr. DUND, and Mrs. MURRAY):

S. 1722. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and screening program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1723. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. VITTER, and Mr. TALENT):

S. 1724. A bill to provide assistance for small businesses damaged by Hurricane Katrina, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN, and Mr. MCCAIN):

S. 1725. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, and to encourage efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. SMITH, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 191

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a co-sponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Washington
(Ms. CANTWELL) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 508

At the request of Mr. DeWine, the name of the Senator from Illinois (Mr. Obama) was added as a cosponsor of S. 508, a bill to provide for the environmental restoration of the Great Lakes.

S. 669

At the request of Mr. Burns, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 669, a bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

S. 799

At the request of Mr. DeWine, the name of the Senator from West Virginia (Mr. Rockefeller) was added as a cosponsor of S. 799, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 769

At the request of Ms. Snowe, the names of the Senator from Minnesota (Mr. Coleman) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 770

At the request of Mr. Levin, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 772

At the request of Mr. Cornyn, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1139

At the request of Mr. Santorum, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1172

At the request of Mr. Specter, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1272

At the request of Mr. Nelson of Nebraska, the names of the Senator from Maryland (Mr. Sarbanes) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who are employed in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1296

At the request of Mr. Kennedy, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1296, a bill to require States to report data on medicaid beneficiaries who are employed.

S. 1313

At the request of Mr. Cornyn, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1390

At the request of Mr. Specter, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 1350, a bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services.

S. 1390

At the request of Mr. Smith, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1418

At the request of Mr. Enzi, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1512

At the request of Mr. Sarbanes, the name of the Senator from Oregon (Mr. Smith) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1513

At the request of Ms. Mikulski, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1615

At the request of Mrs. Clinton, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1622

At the request of Mrs. Clinton, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local responses to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1644

At the request of Mrs. Boxer, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 1644, a bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts.

S. 1647

At the request of Mr. Feingold, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 1647, a bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters.

S. 1700

At the request of Mr. Coburn, the names of the Senator from Pennsylvania (Mr. Santorum) and the Senator from Colorado (Mr. Salazar) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1753

At the request of Mr. Grassley, the names of the Senator from Mississippi (Mr. Cochran), the Senator from Louisiana (Ms. Landrieu), the Senator from Arkansas (Mrs. Lincoln), the Senator from Oregon (Mr. Smith) and the Senator from Oregon (Mr. Smith) were added as cosponsors of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

S. J. Res. 23

At the request of Mr. Coburn, the names of the Senator from Alaska (Ms. Murkowski), the Senator from Kentucky (Mr. Bunning), the Senator from Idaho (Mr. Crapo), the Senator from New Mexico (Mr. Bingaman), the Senator from North Dakota (Mr. Dorgan) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. Res. 323

At the request of Mr. Kennedy, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of S. Res. 323, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.
At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 240, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations officials, United Nations member states and giving action against anti-Semitism by United Nations nationals, United Nations members states, and the Government of the United States, and for other purposes.

At the request of Mr. SALAZAR, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 244, a resolution expressing support for the Pledge of Allegiance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1720. A bill to provide enhanced penalties for crimes committed using funds appropriated for remediation of any injury or damage caused by Hurricane Katrina; to the Committee on the Judiciary.

Mr. CORKYN. Mr. President, our hearts go out to those who have been affected by the devastation wrought by Hurricane Katrina. By now, those who have been displaced by this disaster know that help is available to them. And true to the American spirit, assistance has poured in from people all across this great land. We have seen the Government, at every level, fail in some way to respond adequately to this emergency. Congressional hearings will examine these failures and the reasons for them to make sure that we are better prepared to respond in the future.

But there is no need for a review of the adequacy, efficiency, or responsiveness of every program who needed distress calls from their fellow citizens. When the history of this disaster is finally written, it will document the fact that the American people rose to the challenge. Because that is what Americans do—every time, without exception.

Over the past several weeks we have seen ordinary Americans, on their own initiative, coordinate the donation of goods needed by evacuees, rent U-Haul trucks, and drive to New Orleans to deliver supplies. Others have initiated fundraisers and have donated substantial funds to aid the Red Cross and other charities that are on the ground. And still others, like those in my home State of Texas, have literally opened their doors to complete strangers to provide them with food, shelter, and other necessities, so that they can get back on their feet and begin to rebuild their lives.

Here in the Congress we have acted quickly, passing emergency relief appropriations of more than $60 billion dollars to get money into the devastated areas so people can be helped and areas can be rebuilt. The President has further proposed sending an unprecedented amount of money and incentives to aid in the rebuiding. I plan to support reasonable efforts designed to aid in accomplishing these goals. However, as we pour extraordinary amounts of money into the affected areas, we must guard against those lawless people who may see this as an opportunity to wrongfully enrich themselves through fraud.

We all know that the Federal Government’s track record at detecting and avoiding fraud is poor, at best. As we begin to funnel what some have said may be close to $200 billion dollars into the disaster areas, we must be vigilant to ensure that these funds go where they legitimately are supposed to go. And we must send the message here and now that those who may defraud the Government or otherwise illegally obtain a portion of these funds will not be tolerated.

That is why I have introduced the Katrina Waste, Fraud and Abuse Deterrence Act of 2005. This legislation states that anyone convicted of any crime involving funds appropriated for disaster relief in the aftermath of Hurricane Katrina face a mandatory minimum sentence of 5 years—and up to 20 years—in prison.

As I have said, a staggering amount of money will be, and currently is being sent to this area. The funds will speed the rebuilding of these areas and other areas in need of assistance. But the American people will not tolerate misappropriation of these funds. President Bush has ordered that a team of inspectors general review all expenditures to ensure that the rebuilding work is done honestly and wisely. I applaud the President for his stewardship of this money. The bill I introduce today will put some teeth into this oversight. It will say to those who may contemplate illegally cutting corners or outright stealing federal relief funds whether by fraud, theft, or embezzlement, that they will be caught, prosecuted, and imprisoned.

To those who legitimately need these funds: Your country is here to help you. To those who are inclined to take advantage of the misfortune of others by wrongfully taking these funds: You will be prosecuted.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. DURBIN, Mr. DODD, and Mrs. MURRAY):

S. 1722. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome Prevention and Services Program, and for other purposes; to the Committee on Health, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

S. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Advancing FASD Research, Prevention, and Services Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fetal Alcohol Spectrum Disorders are the spectrum of serious, life-long disorders by prenatal exposure to alcohol, which include Fetal Alcohol Syndrome, Alcohol-Related Neurodevelopmental Disorder, and Alcohol-Related Birth Defects.

(2) In the decades that have passed since Fetal Alcohol Syndrome was first recognized in the United States, this fully preventable condition has continued to affect American children and families.

(3) Prenatal alcohol exposure can cause brain damage that produces cognitive and behavioral impairments. Prenatal alcohol exposure can cause neural retardation or low IQ and difficulties with learning, memory, attention, and problem-solving. It can

SECTION 3. REAUTHORIZATION AND EXTENSION.

This Act may be cited as the “Advancing FASD Research, Prevention, and Services Act.”

SEC. 3. REAUTHORIZATION AND EXTENSION.

This Act may be cited as the “Advancing FASD Research, Prevention, and Services Act.”
also create problems with mental health and social interactions.

(4) Prenatal alcohol exposure also can cause growth retardation, birth defects involving the central nervous system, vision, and hearing, and a characteristic pattern of facial abnormalities.

(5) About 13 percent of women report using alcohol during pregnancy even though there is a known safe level of alcohol consumption during pregnancy.

(6) Estimates of individuals with Fetal Alcohol Spectrum Disorders vary but are estimated to be between 0.5 and 2.0 per 1,000 births. The prevalence rate is considerably higher for all Fetal Alcohol Spectrum Disorders; about 10 out of 1,000 births (1 percent of births).

(7) Prevalence of Fetal Alcohol Spectrum Disorders can be even higher in certain populations, such as Native Americans, and in certain areas, such as those characterized by low socioeconomic status.

(8) Fetal Alcohol Spectrum Disorders pose extraordinary financial costs to the Nation, including the cost of specialized health care, education, foster care, incarceration, job training, and general support services for individuals affected by Fetal Alcohol Spectrum Disorders.

(9) Lifetime health costs for an individual with Fetal Alcohol Syndrome average $690,000, or as high as $1,200,000. The direct and indirect economic costs of Fetal Alcohol Syndrome in the United States were $5,400,000,000. Total economic costs would be even higher for all Fetal Alcohol Spectrum Disorders.

(10) There is a great need for research, surveillance, prevention, treatment, and support services for individuals with Fetal Alcohol Spectrum Disorders and their families.

SEC. 3. PROGRAMS FOR FETAL ALCOHOL SPEC- TROGRAMS.

Section 399H of the Public Health Service Act (48 U.S.C. 2000) is amended—

(1) by striking the section heading and inserting the following:

SEC. 399H. PROGRAMS FOR FETAL ALCOHOL SPEC- TROGRAMS.

(a) RESEARCH ON FAS AND RELATED DIS- ORDERS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Institute of Child Health and Human Development, shall—

(A) develop and implement a uniform surveillance case definition for Fetal Alcohol Syndrome and a uniform surveillance case definition for Alcohol Related Neurodevelopmental Disorder;

(B) develop a comprehensive screening process for Fetal Alcohol Spectrum Disorders that covers different age, race, and ethnic groups and is based on the uniform surveillance case definitions developed under subparagraph (A);

(C) disseminate and provide the necessary training and support for the screening process developed under subparagraph (B) to—

(i) hospitals, community health centers, outpatient programs, and other appropriate health care providers;

(ii) primary and secondary schools;

(iv) social work and child welfare offices;

(v) foster care providers and adoption agencies;

(vi) State offices and others providing services to individuals with disabilities; and

(vii) other entities that the Secretary determines to be appropriate;

(D) conduct activities related to risk factor surveillance including the annual monitoring and reporting of alcohol consumption among pregnant women and women of child bearing age; and

(E) conduct applied public health prevention research and implement strategies for reducing alcohol consumption in women at high risk for alcohol-exposed pregnancies.

(b) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

(c) BUILDING STATE FASD SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Institute of Child Health and Human Development, shall—

(A) develop an inventory of existing State programs and systems that can be used to identify and treat individuals with Fetal Alcohol Spectrum Disorders and prevent alcohol consumption during pregnancy, such as—

(i) programs for the developmentally disabled, the mentally ill, and individuals with alcohol dependency;

(ii) primary and secondary educational systems;

(iii) judicial systems for juveniles and adults;

(iv) child welfare programs and social service programs; and

(v) other programs or systems the State determines to be appropriate;

(B) develop and implement a protocol for expanded training programs for individuals with Fetal Alcohol Spectrum Disorders or at risk for alcohol consumption during pregnancy to access the programs identified under subparagraph (A); and

(C) identify and conduct demonstration projects designed to maximize the effectiveness of the programs identified under subparagraph (A) and paragraph (1).

(d) USE OF FUNDS.—Amounts received under a grant, contract, or cooperative agreement under paragraph (1) shall be used for one or more of the following activities:

(1) Establishing a statewide surveillance system.

(2) Collecting, analyzing and interpreting data.

(3) Establishing a diagnostic center.

(4) Developing, implementing, and evaluating population-based and targeted prevention programs for Fetal Alcohol Spectrum Disorders, including public awareness campaigns.

(5) Referring individuals with Fetal Alcohol Spectrum Disorders to appropriate support services.

(6) Developing and sharing best practices for the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

(7) Providing training to health care providers on the prevention, identification, and
treatment of Fetal Alcohol Spectrum Disorders.

(3) Other activities determined appropriate for adults with Fetal Alcohol Spectrum Disorders.

(4) Multi-STATE programs.—The Secretary shall—

(a) permit the formation of multi-state Fetal Alcohol Spectrum Disorders programs when the Secretary determines that a state is unable or unwilling to assume responsibility for the activities described in subparagraphs (A) through (D); (b) authorize the formation and operation of multi-state Fetal Alcohol Spectrum Disorders programs; and (c) award grants, contracts, or cooperative agreements to states, Indian tribes and tribal organizations, and non-governmental organizations for the establishment of pilot projects to identify and implement best practices for—

(A) educating children with fetal alcohol spectrum disorders, including—

(1) activities and programs designed specifically for the identification, treatment, and education of such children; and

(2) curricula development and credentialing of teachers, administrators, and childcare workers who implement such programs; (B) educating judges, attorneys, child advocates, law enforcement officers, prison and jail personnel, and non-governmental organizations, for the establishment of a 5-year demonstration program under the Fetal Alcohol Syndrome Committee to implement a program to increase awareness and identification of Fetal Alcohol Spectrum Disorders in community health centers and to refer affected individuals to appropriate support services.

(5) Multi-STATE PROGRAMS.—The Secretary shall—

(a) authorize the formation and operation of multi-state Fetal Alcohol Spectrum Disorders programs; and

(b) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

(c) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

(d) provide training and support to organizations providing family services or mental health services to individuals who work with individuals with Fetal Alcohol Spectrum Disorders.

(6) Other Contracts and Agreements.—A State may carry out activities under paragraphs (1) through (5) through contracts or cooperative agreements with public and private nonprofit entities with a demonstrated expertise in Fetal Alcohol Spectrum Disorders.

(7) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

(8) Promoting Community Partnerships.—

(A) IN GENERAL.—The Secretary shall—

(I) Other activities determined appropriate for adults with Fetal Alcohol Spectrum Disorders.

(2) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under paragraph (1), an entity shall—

(A) be a public or private nonprofit entity, including—

(i) a health care provider or health professional;

(ii) a primary or secondary school;

(iii) a social work or child welfare office;

(iv) an incarceration or detention facility;

(v) a parent-led group or other organization that supports and advocates for individuals with Fetal Alcohol Spectrum Disorders;

(vi) an Indian tribe or tribal organization;

(vii) any other entity the Secretary determines appropriate; or

(viii) a consortium of any of the entities described in clauses (i) through (vii); and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including assurances that the entity submitting the application will, at the time of application, or will, within a reasonable amount of time from the date of application, include substantive participation of a broad range of entities that work with or provide services for individuals with Fetal Alcohol Spectrum Disorders.

(9) ActivITIES.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under this subsection to carry out 1 or more of the following activities:

(A) Identifying and integrating existing programs and services available in the community for individuals with Fetal Alcohol Spectrum Disorders.

(B) Conducting a needs assessment to identify services that are not available in the community.

(C) Developing and implementing community-based programs to prevent, diagnose, treat, and provide support services to individuals with Fetal Alcohol Spectrum Disorders.

(D) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services.

(E) Developing and implementing a community-wide public awareness and outreach campaign focusing on the dangers of drinking alcohol while pregnant.

(F) Providing vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders.

(G) Other activities determined appropriate by the Secretary.

(10) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

(11) Development of Best Practices.—

(A) IN GENERAL.—The Secretary shall—

(I) Other activities determined appropriate for adults with Fetal Alcohol Spectrum Disorders.

(12) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

(13) Community Health Center Initiative.—

(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall—

(I) authorize the formation and operation of multi-state Fetal Alcohol Spectrum Disorders programs; and

(II) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders.

(B) Other Activities.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to—

(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

(C) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

(D) provide training and support to organizations providing family services or mental health services to individuals who work with individuals with Fetal Alcohol Spectrum Disorders.

(C) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

(14) Community Health Center Initiative.—

(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall—

(I) authorize the formation and operation of multi-state Fetal Alcohol Spectrum Disorders programs; and

(II) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders.

(B) Other Activities.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to—

(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

(C) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

(D) provide training and support to organizations providing family services or mental health services to individuals who work with individuals with Fetal Alcohol Spectrum Disorders.

(C) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

(15) Community Health Center Initiative.—

(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall—

(I) authorize the formation and operation of multi-state Fetal Alcohol Spectrum Disorders programs; and

(II) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders.

(B) Other Activities.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to—

(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;
“(B) changes in the number of individuals identified as having a Fetal Alcohol Spectrum Disorder; and

“(C) changes in the number of alcohol-consumption prevention, education, and intervention programs for pregnant women and individuals with Fetal Alcohol Spectrum Disorders who were referred to appropriate services.”;

“(4) in subsection (b)(1) (as so redesignated)

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by adding “and” after the semicolon; and

(C) by adding at the end the following:

“(E) national public service announcements—

(ii) identify innovative approaches that promise to raise public awareness of the risks associated with alcohol consumption during pregnancy with the purpose of reducing the prevalence of Fetal Alcohol Spectrum Disorders, that shall—

(i) be developed by relevant Federal agencies under the coordination of the Interagency Coordinating Committee on Fetal Alcohol Syndrome;

(ii) be developed by the appropriate Federal agencies, as determined by the Interagency Coordinating Committee on Fetal Alcohol Syndrome, into communications that are intended to target the expertise and experience of other relevant Federal agencies, and shall test and evaluate the public service announcement’s effectiveness prior to broadcasting the announcements nationally;

(iii) be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach women at risk of alcohol consumption during pregnancy; and

(iv) be measured prior to broadcast of the national public service announcements to provide baseline data that will be used to evaluate the effectiveness of the announcements;

(5) in subsection (k) (as so redesignated)—

(A) in paragraph (1), by striking “National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect” and inserting “National Task Force on Fetal Alcohol Spectrum Disorders”;

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B), by striking “and” after the semicolon; and

(iii) by adding at the end the following:

“(D) an assessment of whether there is duplication in programs and activities related to Fetal Alcohol Spectrum Disorders, including convening meetings, establishing work groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies; and

“(E) national public service announcements to—

(1) introduce curricula previously developed by the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration on how to most effectively educate and support children with Fetal Alcohol Spectrum Disorders in both special education settings and traditional education settings, and investigate incorporating information about the identification, prevention, and treatment of the Disorders into teachers’ credentialing requirements;

(2) provide educational services to—

(i) describe the state of the current epidemiology of Fetal Alcohol Spectrum Disorders, risk factors, and successful approaches in policy and services that have reduced alcohol-exposed pregnancies and outcomes;

(ii) identify innovative approaches that have been service areas such as tobacco control or HIV prevention that may provide models for Fetal Alcohol Spectrum Disorders prevention;

(iii) recommend short-term and long-term action plans for achieving the Healthy 2010 Objectives for the United States, such as increasing abstinence from alcohol among pregnant women and reducing the occurrence of Fetal Alcohol Syndrome; and

(iv) recommend in coordination with the National Institute on Mental Health whether Fetal Alcohol Syndrome and other prenatal alcohol disorders, or a subset of these disorders, should be included in the Diagnostic and Statistical Manual of Mental Disorders; and

(C) by striking “Fetal Alcohol Syndrome and Fetal Alcohol Effect” each place that such appears and inserting “Fetal Alcohol Spectrum Disorders”.

SEC. 4. COORDINATION AMONG FEDERAL ENTITIES.

Part O of title III of the Public Health Service Act (42 U.S.C. 256 et seq.) is amended by adding at the end the following:

“SEC. 399K. COORDINATION AMONG FEDERAL ENTITIES.

“(a) INTERAGENCY COORDINATING COMMITTEE ON FETAL ALCOHOL SYNDROME.—The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism, shall provide for the continuation of the Interagency Coordinating Committee on Fetal Alcohol Syndrome so that such Committee may—

(1) coordinate activities conducted by the Federal Government on Fetal Alcohol Spectrum Disorders, including convening meetings, establishing work groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies; and

(2) develop, in consultation with the National Task Force on Fetal Alcohol Spectrum Disorders, priority areas for years 2006 through 2010 to guide Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

“(b) COORDINATION AMONG FEDERAL ENTITIES.—

(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and make recommendations regarding the appropriate roles and responsibilities of Federal entities with respect to programs and activities related to Fetal Alcohol Spectrum Disorders.

(2) PROPOSAL DEVELOPMENT.—The Federal entities under paragraph (1) shall include entities within the National Institutes of Health, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Indian Health Service, the Agency for Healthcare Research and Quality, the Interagency Coordinating Committee on Fetal Alcohol Syndrome, the National Task Force on Fetal Alcohol Spectrum Disorders, as well as the Office of Special Education and Rehabilitative Services in the Department of Education and the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

(3) EVALUATION.—The evaluation conducted by the Comptroller General under paragraph (1) shall include—

(A) an assessment of the current roles and responsibilities of Federal entities with programs and activities related to Fetal Alcohol Spectrum Disorders; and

(B) an assessment of whether there is duplication in programs and activities, conflicting roles and responsibilities, or lack of coordination among Federal entities.

“(4) RECOMMENDATION.—The Comptroller General shall provide recommendations on the appropriate roles and responsibilities of Federal entities with programs and activities related to Fetal Alcohol Spectrum Disorders.

“(5) COMPLETION.—Not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, the Comptroller General shall complete the evaluation conducted by the Comptroller General and makes a report on the findings and recommendations made as a result of the evaluation.”.

SEC. 5. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Section 519C(b) of the Public Health Service Act (42 U.S.C. 256b-5(b)) is amended—

(1) in paragraph (11), by striking “and” after the semicolon; and

(2) by redesignating paragraph (12) as paragraph (15); and

(3) by inserting after paragraph (11), the following:

“(12) provide respite care for caretakers of individuals with Fetal Alcohol Spectrum Disorder and prenatal alcohol-related disorders;

“(13) recruit and train mentors for adolescents with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders; and

“(14) provide educational services to families of individuals with Fetal Alcohol Spectrum Disorders; and

SEC. 6. PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM.

The Secretary of Education shall direct the Office of Special Education and Rehabilitation Services to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the educational system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399h(b) of the Public Health Service Act (as added by this Act);

(2) introduce curricula previously developed by the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration on how to most effectively educate and support children with Fetal Alcohol Spectrum Disorders in both special education settings and traditional education settings, and investigate incorporating information about the identification, prevention, and treatment of the Disorders into teachers’ credentialing requirements;

(3) integrate any special techniques on how to deal with Fetal Alcohol Spectrum Disorders children into parent-teacher or parent-mentor interactions including curricula for after-school programs, special school services, and family aid programs;

(4) collaborate with other Federal agencies to establish a national standards guide for school within schools’ existing sexual and health education curricula, or create one if needed, on the deleterious effects of prenatal alcohol exposure; and

(5) organize a peer advisory network of adolescents in schools to discourage the use of alcohol while pregnant or considering getting pregnant.

SEC. 7. PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM.

The Attorney General shall direct the Office of Juvenile Justice and Delinquency Prevention to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the justice system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399h(b) of the Public Health Service Act (as added by this Act);

(2) introduce training curricula, in collaboration with the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration, on how to most effectively identify and interact with individuals with Fetal Alcohol Spectrum Disorders in both the juvenile and adult justice systems, and investigate incorporating information about the identification, prevention, and treatment of the disorders into justice professionals’ credentialing requirements;

(3) promote the tracking of teenagers entering the juvenile justice systems, and other at-risk backgrounds that indicates them as high probability for having a Fetal Alcohol Spectrum Disorder, especially those individuals whose mothers smoked and drank during pregnancy as reported by the appropriate child protection agency;
(4) educate judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—
(A) programs designed specifically for the identification, assessment, and education of such children; and
(B) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;
(5) conduct a study on the inadequacies of how the current system processes children with Fetal Alcohol Spectrum Disorders and subsequently develop alternative methods of incarceration and treatment that are more effective for youth offenders identified to have a Fetal Alcohol Spectrum Disorder; and
(6) develop transition programs for individuals with Fetal Alcohol Spectrum Disorders who are released from incarceration.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 399J of the Public Health Service Act (42 U.S.C. 280f–3) is amended by striking "subsection (h) and all that follows through the period and inserting "subsections (h) through (k) of section 399H, $27,000,000 for each of fiscal years 2006 through 2010".

(b) REPEAL OF SUNSET.—Section 399K of the Public Health Service Act (42 U.S.C. 280f–4) is repealed.

(c) REQUIREMENT OF REPORT.—Within 2 years of enactment of this Act, the Secretary of Health and Human Services shall require the National Institutes of Health to develop a research agenda for FASD, including research related to identifying the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure, and identifying biological markers that indicate fetal alcohol exposure.

This bill would provide much needed support in the areas of research and prevention. This legislation would require the National Institutes of Health to develop a research agenda for FASD including research related to identifying the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure, and identifying biological markers that indicate fetal alcohol exposure.

This bill would also make available federal grants to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy and also provide training to health care providers on screening children for FASD, among other things.

According to the University of South Dakota School of Medicine and Health Sciences Center for Disabilities, the lifetime cost for an individual with FASD is over $2 million, and the special education costs for South Dakota children with FASD can range from $3,781 to $17,056 per year. Additionally, over 60 percent of the individuals in South Dakota who have been diagnosed with FASD lived within a foster care home for some part of their lives. Fetal alcohol spectrum disorder (FASD) is characterized by problems in growth and development that begin in the mother before birth. When the mother inputs alcohol into her bloodstream, the child is also exposed to alcohol. Without his hard work and dedication, we would not be as far ahead in preventing FASD as we are.

By Ms. COLLINS:
S. 1723. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

Mr. COLLINS. Mr. President, all along our Nation’s coasts are harbors that were once full of the sights, sounds, and smells that accompany the fishing industry. Unfortunately, a number of factors are converging to lead to the loss of our Nation’s vital fishing infrastructure, which is essential for the continued commercial fishing industry. I have drafted legislation that will help to combat the loss of commercial access to our water-fronts and to support the fishing industry’s role in our maritime heritage.

In July, I was contacted by Andy Hawke of Boothbay Harbor, ME, a lobsterman who explained that the local lobstermen’s cooperative had recently run out of funding. Unfortunately, the local fishermen could not come up with the resources to purchase the cooperative’s facilities, and they were looking for Federal assistance in order to keep this coastal property accessible to the commercial fishing industry. Their goal was to keep this cooperative in operation for the lobstermen of Boothbay Harbor and the “upcoming youth who will be in the lobster industry.”

There was little assistance that I could offer beyond identifying some grant programs that might apply. I discovered quickly that there is no targeted, Federal program to help the commercial fishing industry gain or preserve access to waterfront areas. At the same time, the pressures that drive the commercial fishing industry from these vital pieces of industry infrastructure are mounting. I rise today to introduce legislation that would create a program to assist our Nation’s commercial fishermen, the Working Waterfront Preservation Act.

I can best speak to this issue by pointing to the loss of commercial waterfront access in Maine. Only 25 of Maine’s 3,500 miles of coastline are deeded to commercial access. Sadly, portions of Maine’s working waterfront are being sold weekly and converted to other uses, most often second homes and condominiums.

The reasons for the loss of Maine’s working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising costs have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second
homes that no longer are the center of economic activity.

Maine’s lack of commercial waterfront access has prompted the formation of a Working Waterfront Coalition. This coalition is comprised of an impressive number of industry associations, non-profit organizations, and State agencies, who have come together to preserve Maine’s working waterfront.

Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. Maine’s Working Waterfront Coalition identified 18 projects that would increase Maine’s available working waterfront. These 18 projects would create or preserve over 575 Maine jobs. All that is needed is a modest investment in Maine’s working waterfront.

The loss of commercial waterfront access affects the fishing industry throughout all coastal States. On August 29, 2005, a story appeared in the Providence Journal about the fishing port of Galilee in Rhode Island. Fishermen from Galilee are getting pushed out of the waterfront as their profitability shrinks and land values soar. This is the point at which towns plan to tear down more condominiums in Galilee and $2 million beach houses marketed to buyers from Connecticut and New York.

On July 26, 2005, the Los Angeles Times ran a story on the disappearance of working waterfront in Florida. In June of this year, Governor Bush signed a law aimed at protecting that State’s working waterfront.

On February 20, 2005, the Seattle Times profiled the Washington town of Anacortes’s struggle with development and the future of this port. In this story, the city attorney and planner said that the biggest issue facing this town is whether they can continue to have a working waterfront, as Anacortes legend has it, as a real town where people are making a real living.

Another region of the country where this bill will help the local community and stimulate economic growth is a region we have heard a lot about in recent news, the gulf coast. On September 6, 2005, the Houston Chronicle ran a story on the havoc caused by Hurricane Katrina to Alabama’s fishing industry. This disaster hit the town of Bayou La Batre; it destroyed oyster beds, and damaged the docks and piers on which the fishing industry relies. The Working Waterfront Preservation Act would assist the victims of this storm in re-building the shore-side infrastructure vital to their industry.

No matter the coastal State, our Nation’s fishermen are affected by the loss of access to commercial waterfront properties. I have drafted legislation targeting this exact problem, as no Federal program exists to assist States like Washington, Florida and Alabama, which are trying to cope with the loss of this valuable infrastructure.

The loss of commercial waterfront access is apparent. The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen’s cooperatives for the purchase of properties that are essential to the maintenance of working waterfront facilities. The bill contains a $50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and the Office of Justice and Crime Prevention. The State fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to non-commercial uses, as a condition of receiving Federal assistance.

This legislation also has a tax component included. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this Federal assistance. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would most likely be converted then to non-commercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for Federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation’s commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast. I am committed to creating a Federal mechanism to preserve working waterfronts and will pursue this legislation during the 109th Congress.

By Ms. SNOWE (for herself, Mr. VITTER, and Mr. TALENT):

S. 1724. A bill to provide assistance for small businesses damaged by Hurricane Katrina, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to bring to the attention of the Senate a bill which provides a comprehensive package for immediate emergency resources to help the victims of Hurricane Katrina rebuild their lives and their businesses.

As we are well aware, the entire Gulf Coast region has been ravaged by the disaster of Hurricane Katrina. No natural disaster in this country in recent memory has carried with it the devastation and horror we have witnessed in the recent weeks. Many lives have been lost and damages are at several billions in the hundreds of billions of dollars. The President and Congress have already provided over $61 billion in emergency funds.

While we work to re-establish communities and provide some stability to the affected areas, we must consider the enormous economic impact this catastrophe has had on the region and on our entire Nation. This impact is particularly pronounced for the vital small businesses that over 300,000 firms damaged in the Hurricane-affected region, employment in the Louisiana, Mississippi and Alabama area may be reduced by over a million jobs! Moreover, our economy which has recently recovered thanks largely to our small businesses which have created three-quarters of all new jobs, could be dampened by as much as a full percentage point.

As Chair of the Committee on Small Business and Entrepreneurship, I am committed to doing everything in my power to provide immediate and necessary support to rebuild this region and to help sustain our economy. I want to ensure that every American affected by this Hurricane has the resources to begin rebuilding their lives, their businesses and their dreams.

The provisions of this bill were contained in an amendment that I proposed, Amendment #1717, to the Commerce, Justice, and Science Appropriations Act of 2005, H.R. 2862. I would like to thank my colleagues, Senator VITTER, Senator TALENT, Senator KERRY, and Senator LANDRIEU, for co-sponsoring that amendment. The amendment was adopted in the Senate by a rollcall vote of 96 to 0 on September 15, 2006, and subsequently passed the Senate in the Commerce, Justice, and Science Appropriations Act on that same day.

Because the Federal Disaster Loan program administered by the Small Business Administration issues Disaster Loans to businesses, homeowners, and renters, this legislation would have a significant impact on many facets of these efforts to rebuild the areas damaged by Hurricane Katrina.

I will also be holding a hearing in the Small Business Committee on September 22, 2005 to address the impact that Hurricane Katrina has had on small businesses.

The Small Business Administration is and must be at the forefront of this massive relief effort, playing a significant role in assisting impacted communities. This bill will strengthen the SBA’s ability to respond to this disaster and to pave the pathway to recovery. I have faith that American small businesses will persevere through these difficult times and help lead the region’s recovery. It is essential that we work together here in Congress, and put forth the best effort to stimulate our economy and foster job growth.

I have spoken with SBA’s Administrator Barroto concerning the various ways to respond to this disaster and assist with the recovery. We have discussed that FEMA has referred over 500,000 cases for loan assistance to the SBA, and that the SBA is receiving up to
20,000 calls per day. This is a tremendous volume and a vital challenge that the SBA must satisfy. To date, the SBA has sent out almost 500,000 applications for loans to individuals and businesses, and has received $30 billion applications as of Monday morning, which is a tremendous number that much assistance is yet to be provided by the SBA. Therefore, it is critical that we act now!

I firmly believe this legislation is the best possible package to aid families, businesses, and communities through these challenging times. Small businesses must have a fighting chance to survive the economic disaster caused by Hurricane Katrina.

I have included many provisions in my bill that would assist hurricane victims applying for SBA disaster loans. My legislation increases the maximum size of an SBA Disaster Loan from $1.5 million per loan to $10 million per loan and makes it possible for non-profit institutions and renters. This 12 month period could be extended to 24 months at the discretion of the SBA Administrator if he determines that Katrina victims would need additional time to begin repaying their loans. This would also allow homeowners and businesses additional time to get their lives and businesses restored before being required to begin repaying loans.

This legislation also proposes lowering fees for the 7(a) program to make borrowing more affordable for small businesses outside the disaster areas, many of which have been impacted by the disaster, and are struggling to cover higher costs in health care and energy, and rising interest rates.

Recognizing the increased demand this disaster will place on all small business lending programs, the amendment proposes increasing the 7(a) lending program from a program level of $17 billion to $20 billion, and the 504 program from a program level of $7.5 billion to $10 billion. Both the 504 and 7(a) lending programs are funded entirely through appropriations, so the increased funding is separate from any SBA appropriation.

Moreover, this bill increases the program level for SBA Disaster Loans—Physical and Economic Injury—by approximately $500 million, requiring an appropriation of approximately $117 million. The Committee is concerned there will not be enough funding for disaster loans available to meet the scope of this disaster, given that the economic injury disaster loans alone for 9-11 amounted to about $1 billion, and these lending levels for Katrina is considered much more extensive.

The bill also includes a provision requiring the SBA to treat these special provisions as separate from the regular programs, to avoid increasing future subsidy rates, and therefore, the costs for borrowers who rely on those programs. This same protection was provided for emergency 7(a) loans after 9-11 and for the special disaster loans for 9-11.

Additionally, many small businesses in the disaster areas will require relief from making payments and interest on 7(a) and 504 loans they had before Katrina hit. Therefore, this amendment includes a provision that directs the SBA to cover the payments and interest on existing loans for up to two years, or until the small business can resume payments.

Similar to the Supplemental Terrorist Activity Relief (STAR) loans enacted by Congress after 9-11, this bill allows the SBA to provide similar loans with lower fees for small businesses located outside the disaster zones but are nonetheless indirectly impacted by Hurricane Katrina. The lower fees also provide the lenders with an incentive to lend to these businesses.

Importantly, the bill includes protections to mitigate recent reports of past abuse and misuse of the 7(a) program to aid hurricane victims. The protections include requiring lenders to inform borrowers that they are receiving Katrina relief loans, requiring lenders to document to the SBA how the borrower was adversely affected by Hurricane Katrina and for the Government Accountability Office to collect the explanations and report to the Senate Committee on Small Business and Entrepreneurship and House Committee on Small Business every six months, verifying loans are being used for the intended purposes. These added protections will ensure that only applicants who really need these loans to recover from the horrific effects of Hurricane Katrina will receive the loans.

Furthermore, the legislation authorizes $400 million to the affected state governments of Louisiana, Mississippi, Alabama, Texas, and Florida to provide emergency bridge loans or grants to small businesses in the disaster areas that have been adversely impacted by Hurricane Katrina and require immediate access to capital until they can secure other loans or financial assistance. The goal is to disburse the funds as quickly as possible, and the measure is based on a successful program that helped victims of the hurricanes in Florida.

With the cost of Katrina relief and rebuilding estimated at over $100 billion, small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive their fair share of federal contracting and subcontracting dollars. My bill also attempts to provide critical assistance to small businesses in the areas devastated by the Hurricane Katrina by expanding access to Federal contract and subcontractors.

Government projects provide solid business opportunities and prompt, steady pay for small businessmen and businesswomen. In addition, government procurement would open doors for many local small businesses to participate in the long-term reconstruction work in these areas. Prior to the disaster, small construction companies in Alabama, Mississippi, and Louisiana brought home nearly $500 million in Federal contracts a year. Total small business contracts in the Gulf Coast region exceeded $3 billion a year. While many small businesses would benefit from other forms of disaster assistance, many of them are ready to get back to work and into business as soon as possible.

To that end, my bill designates the Hurricane Katrina disaster area as a HUBZone. A HUBZone designation would enable small businesses located in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. The HUBZone program was created to direct federal contacting dollars to economically distressed areas. Extending the HUBZone designation to the Gulf Coast would bring needed business development tools to affected areas.

In addition, my bill would increase the maximum size of surety bonds from $2 million to $5 million for Katrina-related projects, and small businesses vying for work need an increase in bonds to handle greater projects for Hurricane Katrina relief. Local small businesses in the Gulf Coast can use higher bonds to compensate for the damage to their assets from the Hurricane.

My bill would also direct the SBA, its resources partners, and the Federal offices of small and disadvantaged business utilization to create a contracting program that has been operating in the Katrina disaster area. Finally, my bill would establish small business contracting and subcontracting goals for all Katrina-related contracts and subcontracts to promote greater jobs creation and development, while providing reasonable flexibility to Federal agencies in meeting that goal in light of difficult circumstances on the ground.

Finally I would also like to comment on a very important provision in my SBA bill in this session of Congress. The SBA in this bill. I have appropriated the authorization of $24.25 million for grants to increase business counseling in the damaged areas for several SBA entrepreneurial development programs including: Small Business Development Centers (SBDCs); Small Business Women’s Business Centers (WBCs); Veteran’s Business Centers, and Microloan Technical Assistance.

Our Nation’s 25 million small businesses provide the lifeblood of our economy, growing at twice the rate of all firms. And when a disaster strikes, the spirit, determination and will of America’s small
businesses help to create the firm economic foundation, propelling our nation’s economic growth. Therefore, we in turn must create an atmosphere favorable for small businesses and provide this emergency package to the SBA. We must allow Nation’s small businesses to do what they do best— ‘create jobs.’

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to lapse. Congress must find essential agreement and fulfill its obligation to America’s small businesses. Clearly, if we strive for anything less, we fail to support the backbone of our economy, our hope for new innovation, and the entrepreneurs reach for the American dream.

By Mr. LIEBERMAN for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN and Mr. MCCAIN.

S. 1725 A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to improve regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Assure Emergency and Interoperable Communications for First Responders Act of 2005—or EICOM—as a step towards improving emergency communications nationwide so no community experiences the communications failures we saw in parts of the Gulf Coast in the wake of Hurricane Katrina.

I want to thank my cosponsors, Senators COLLINS, LEVIN, AKAKA, and MCCAIN, for joining me in this effort.

The attack of 9/11 dramatically showed how vulnerable our first responders are in an emergency when they are unable to communicate with each other.

Four years after 9/11, solving the problem of interoperability remains the number one priority for our Nation’s first responders.

Whether responding to a terrorist attack, natural disaster, fire, a missing child, or a fleeing suspect, police, fire fighters, emergency medical technicians and other responders still all too frequently arrive at the scene with incompatible communications equipment and can’t share crucial, life-saving information with each other.

This puts at risk both the lives of our first responders and those they were sworn to protect.

I have previously introduced legislation that addresses the problems of interoperability. But Hurricane Katrina spotlighted an even more severe problem—operability—the need for systems that themselves can survive a disaster, either natural or man-made. Katrina has shown us that without a working communications system, a coordinated and effective response to an emergency becomes close to impossible.

This bill seeks to address the challenges of both interoperability and operability.

Hurricane Katrina blew down power lines, knocked out cell phone towers and wiped out regular phone service in blasts of wind and water. In too many areas the result was no regular or cell phone service and portable radios that slowly went dead because there was no way to charge the batteries.

What do you do when you are down to zero communications? Gulf Coast emergency officials were repeatedly reduced to using runners to communicate between command centers and first responders in the field.

And this is not the first time this has happened in the United States.

Some have suggested that the scenes out of the Gulf Coast had a third world quality about them. But runners? That isn’t the ancient world. That is Athens in 490 BC when legend has it a runner covered 300 miles in a week to share information and coordinate the defense of the city of Marathon—thus the name of the race. But both during the ancient Athens and the 21st Century we’ve made greater advancement in communications technologies than better running shoes.

This bill seeks to remedy the communications nightmare we saw in New Orleans and the Gulf Coast—and make sure we don’t have the same nightmare in future disasters.

This bill establishes an Office for Emergency Communications, Interoperability and Compatibility—ECIC—in the Department of Homeland Security, replacing and strengthening the present Office for Interoperability, and Compatibility.

This new and stronger ECIC will be charged with finding ways to establish emergency communications capabilities when a terrorist attack, natural disaster or other large-scale emergency has damaged or destroyed usual communications and electrical infrastructure.

This bill also tells the Secretary of DHS to establish a comprehensive, competitive research and development program to identify and answer the policy and technology questions necessary to sustain emergency communications capabilities and achieve interoperability.

This includes promoting research through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency, (HSARPA) and considering establishing a Center of Excellence.

The bill also directs the Secretary of DHS to establish at least two pilot projects to help us develop and test working emergency communications systems for first responders and government officials that will survive a natural disaster or terrorist attack where there has been damage to or destruction to critical infrastructure.

Finally, this bill establishes a grant program for States and regional consortia to develop and implement short-term and long-term solutions for emergency communications capabilities and interoperability. Total grant amounts would start at $400,000,000 for the fiscal year 2010, rising to $1 billion by 2010.

9/11 showed us the danger of non-interoperable communications for our first responders and the people they try to protect. Lives were likely lost that day because some first responders didn’t get the orders to evacuate.

Katrina showed us the further peril that comes with zero communications. First responders tried to react to the disaster but didn’t know where to go or what to do.

And, again, we know lives were lost. This is 21st Century America, not ancient Athens. We’ve moved beyond runners. We have technologies at our disposal undreamed of even just a few years ago and breakthroughs still to come.

Let’s marshal our resources and summon our will and—with a sense of urgency—create communications systems that survive disaster so our first responders can do their jobs—helping others when lives are on the line and seconds matter.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the ‘‘Assure Emergency and Interoperable Communications for First Responders Act of 2005’’.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communications among those responding to a natural disaster, terrorist attack, or other large-scale emergency are critical to an effective response and to save lives.

(2) Ordinary modes of communications are often difficult or impossible during a natural disaster, terrorist attack, or other catastrophic emergency, because of damage to critical infrastructure, including the destruction of phone lines and cellular towers, and loss of power sources and because of increased demand placed on already strained systems.

(3) In the days after Hurricane Katrina devastated the Gulf Coast of the United States, the communications infrastructure in the affected areas was decimated, and difficulties in communicating among officials and first responders significantly impeded the rescue and relief efforts.

(4) A further major barrier to sharing information among police, firefighters, and others who may be called on to respond to natural disasters, terrorist attacks, and other large-scale emergencies is the lack of
interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency. Firefighters responding to the attacks at the World Trade Center on September 11, 2001, had difficulty communicating with each other. Initial press reports focused on conflicting radio frequencies also contributed to the difficulties in communications among law enforcement and government relief agencies in the aftermath of the attack.

(5) The Department of Homeland Security has identified communications interoperability as a national priority for first responders to achieve the National Preparedness Goal that the Department of Homeland Security has established for the Nation. The 2003 Intelligence Community National Emergency Response Communications Plan emphasized the importance of interoperable communications for ensuring effective and cost-effective solutions to these problems.

(6) The lack of emergency communication capabilities and interoperability costs lives not only during terrorist attacks or natural disasters, but also during everyday emergencies and incidents.

(7) Assuring emergency communications capabilities and achieving interoperability is difficult because some 58,000 local agencies typically have independently decided what communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments.

(8) Achieving the level of emergency communications capabilities and communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing and maintaining, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(9) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(10) However, much more remains to be done. For example, in January 2006, the National Commission on Terrorist Attacks stated, 'As long as achieving interoperability ranked as the top priority for States, obtaining the equipment to fulfill that remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.'

(11) Emergency communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(12) The deployment of more effective national, statewide, and regional leadership are required to improve emergency communications capabilities and interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and training.

(13) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adopting national interoperability solutions in public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(14) Achieving emergency communications capabilities and interoperability requires the sustained commitment of substantial resources. Nonetheless, emergency communications interoperability can be accomplished at a much lower cost than would otherwise be possible if strong national leadership drives coordination and adoption across Federal, State, local, and tribal governments.

(15) The private sector has a critical role to play in developing cost-effective solutions to these problems.

SEC. 2. OFFICE FOR EMERGENCY COMMUNICATIONS, INTEROPERABILITY, AND COMPATIBILITY.

(a) In General.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended as follows:

(13) The Department of Homeland Security and public safety agencies and from the Federal, State, local, and tribal governments.

(b) Definitions.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

``'

(1) INTEROPERABLE COMMUNICATIONS AND COMPATIBILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency communications systems and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communication systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary; and

(2) by adding at the end the following:

``'

(3) EMERGENCY COMMUNICATIONS CAPABILITIES.—The term 'emergency communications capabilities' means the ability of an emergency communications system to conduct an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple levels of government in a manner that facilitates the coordination of government in the event of a natural disaster, terrorist attack, or other large-scale
or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.

(c) ASSESSMENTS AND REPORTS.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq) is amended by adding at the end the following:

"SEC. 314. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY ASSESSMENTS AND REPORTS.

"(a) BASELINE INTEROPERABILITY ASSESSMENT.—The Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility and the National Communications System, shall—

"(1) conduct an assessment of the ability of communities to provide and maintain emergency communications among emergency responders in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

"(2) conduct a study to evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, for use in supporting emergency communications at the site of a natural disaster, terrorist attack, or other large-scale emergency; and

"(b) EVALUATION OF EMERGENCY COMMUNICATIONS CAPABILITIES.—The Secretary, through the Director of the Office for Emergency Communications, Interoperability, and Compatibility and the National Communications System, shall—

"(1) understand the strengths and weaknesses of the diverse public safety communications systems currently in use;

"(2) explore ways to ensure that advanced and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;

"(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

"(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies from communications capabilities and interoperability; and

"(5) advancing the national strategy to enhance emergency communications capabilities and interoperability to include—

"(A) evaluating the current state of emergency communications and the telecommunications infrastructure and sustained loss of electricity;

"(B) compile a list of best practices among communities for providing and maintaining communications in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

"(C) conduct a study to evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of a natural disaster, terrorist attack, or other large-scale emergency.

"(c) COORDINATION.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Rep- resentatives a report on the Department's progress in implementing and achieving the goals of the Assurance of Emergency and Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessments, evaluations, and studies conducted under subsections (a) and (b)."

SEC. 4. RESEARCH AND DEVELOPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq) is amended by adding at the end the following:

"SEC. 315. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote emergency communications interoperability and communications interoperability among first responders, including by—

"(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and

"(2) establishing a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on the development and communication systems for first responders.

"(b) PURPOSES.—The purposes of the program established under subsection (a) include—

"(1) increasing the effectiveness of emergency communications among emergency responders in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

"(2) exploring Federal, State, and local policies that will move systematically towards long-term solutions; and

"(3) increasing the effectiveness of emergency communications among emergency responders in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

"(4) increasing the effectiveness of emergency communications among emergency responders in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

"(5) increasing the effectiveness of emergency communications among emergency responders in the event of a natural disaster, terrorist attack, or other large-scale emergency.

"SEC. 5. PILOT PROJECTS.

"(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq) is amended by adding at the end the following:

"SEC. 316. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities and interoperability. These projects shall be procured and completed by the Secretary, and the Secretary shall consider—

"(1) the risk to the area from a large-scale terrorist attack or natural disaster;

"(2) the number of potential victims from a large-scale terrorist attack or natural disaster;

"(3) the existing capabilities of the area’s emergency communications systems; and

"(4) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

"(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

"(1) statewide or regional communications plan;

"(2) system design and engineering;

"(3) procurement and installation of equipment;

"(4) training and exercises; and

"(5) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

"(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with the Office of Emergency Communications, Interoperability, to the Director of Science and Technology, the National Communications System, and other Federal entities that provide research and development funding for emergency communications interoperability consistent with the national strategy.

"(d) APPLICATION.—(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such informa-
tion as the Secretary may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement, installation, and training for which funding is requested; and

"(B) describe how—

"(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and

"(ii) the applicant intends to spend funds under the grant, to administer such funds,
and to allocate such funds among any par-

icipating local governments; and

\(\text{\textit{c}}\) be consistent with the Interoperable 

Communications Plan required by section 7303 of the 

Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 

194(f));

\(\text{\textit{d}}\) State Review and Submission.—

\(\text{(1) In General.—To ensure consistency} \) with State homeland security plans, an eligi-

ble region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submis-

sion of such application to the Secretary.

\(\text{(2) Review.} \) The Secretary shall, not later than 30 days after receiving an application from an eligi-

ble region under paragraph (1), each such State shall transmit the application to the Secretary.

\(\text{(3) State Disagreement.—If the Governor} \) of any such State determines that a regional application is inconsistent with the State homeland security plan, the Governor shall—

\(\text{(A) notify the Secretary in writing of} \) that fact; and

\(\text{(B) provide an explanation of the reasons} \) for not supporting the application at the time of transmis-

sion of the application.

\(\text{(f) Award of Grants.—} \)

\(\text{(1) In General.—The Secretary shall} \) establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

\(\text{(2) Recommendations.—The review panel} \) established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

\(\text{(c) Membership.—The review panel estab-

lished under subparagraph (A) shall include} \) individuals with technical expertise in emergency communications and communications interoperability as well as emergency response providers and other relevant State and local officials.

\(\text{(g) Availability of Funds.—Any grant} \) funds awarded that may be used to support emergency communications or interoper-

ability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

\(\text{SEC. 9. INTERAGENCY COMMITTEE.} \)

\(\text{(a) Establishment.—There is established} \) an Interagency Committee on Emergency Communications and Interoperability (referred to in this section as "the Committee").

\(\text{(b) Composition.—The Committee shall be composed of:} \)

\(\text{(1) a representative of the Department} \) of Homeland Security, who shall serve as Chair of the Committee;

\(\text{(2) a representative of the Federal Communica-

tions Committee;}

\(\text{(3) a representative of the Department of} \) Commerce;

\(\text{(4) a representative of the Department of} \) Defense;

\(\text{(5) a representative of the Department} \) of Health and Human Services;

\(\text{(6) a representative of the National Insti-

tute of Standards and Technology; and}

\(\text{(7) a representative of any other depart-

ment or agency determined to be necessary} \)

by the President.

\(\text{(c) Report.—Not later than 90 days after} \) the date of enactment of this Act, the Com-

mittee shall submit a report to the President and to Congress that includes—

\(\text{(1) a proposal as to how to most effecti-

vely accelerate the development of national} \) standards for public safety interoperable communications in accordance with section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194); and

\(\text{(2) a proposal on how to ensure that Fed-

eral officials responding to a natural dis-

aster, terrorist attack, or other large-scale emergency, have the means to provide and maintain emergency communications capa-

bilities to support their response efforts} \)

where there is significant damage to, or de-

struction of, critical infrastructure, includ-

ing substantial loss of ordinary tele-

communications infrastructure and sus-

tained loss of electricity."; and

\(\text{(d) by inserting after paragraph (8) the fol-

lowing:} \)

\(\text{(9) The terms ‘interoperable communica-

tions’ and ‘communications interoperability’} \) mean the ability of emergency response prov-

viders and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing informa-
tion technology systems and radio and tele-

communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

\(\text{SEC. 10. TECHNICAL AND CONFORMING AMEND-

MENTS.} \)

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

\(\text{(1) redesignating paragraphs (9) through} \) (16) as paragraphs (11) through (18), respec-

\(\text{(2) by redesignating paragraphs (6) through} \) (18) as paragraphs (7) through (9), respec-

\(\text{(3) by inserting after paragraph (5) the fol-

lowing:} \)

The term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency re-

sponse operation, a continuous flow of infor-
mation among emergency responders, agen-
cies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural dis-

aster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or de-

struction of, critical infrastructure, includ-

ing substantial loss of ordinary tele-

communications infrastructure and sus-

tained loss of electricity."; and

\(\text{(4) by inserting after paragraph (8) the fol-

lowing:} \)

\(\text{(9) The terms ‘interoperable communica-

tions’ and ‘communications interoperability’} \) mean the ability of emergency response prov-

iders and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing informa-
tion technology systems and radio and tele-

communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

(1) inserting after the item relating to section 313 the following:

“Sec. 314. Emergency communications and interoperability assessment and report.”

“Sec. 315. Emergency communications and interoperability research and development.”

“Sec. 316. Emergency communications pilot projects.”

(2) adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY

“Sec. 1801. Emergency communications and interoperability grants.”

AMENDMENTS SUBMITTED AND PROPOSED

SA 1732. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 14, strike “$300,000,000” and insert “$1,300,000,000.”

SA 1734. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn reservation program established under section 376A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), $2,000,000.

On page 144, line 7, strike “$98,386,000” and insert “$96,386,000.”

SA 1735. Mr. COCHRAN proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7. None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled “Importation of Whole Cuts of Boneless Beef from Japan”, dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

SA 1733. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 12, strike “$1,883,000,000” and insert “$5,100,000,000: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.”

On page 158, line 14, strike “$300,000,000” and insert “$1,300,000,000.”

SA 1734. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS
Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 20; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; providing morning business, the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to the Agriculture appropriations bill. This bill was laid down last Thursday and we resumed that bill today. Unfortunately, members did not take advantage of their opportunity to offer amendments during those 2 days. I very much appreciate the Democratic leader, on behalf of one of his colleagues, offering an amendment a few minutes ago. I asked the managers that if no one comes to offer amendments, we should go to third reading and passage of the bill. We give Senators the opportunity to offer amendments, they say they are going to offer amendments in the future, and they do not come to the floor. That leaves us with the only alternative, which is going to third reading and passage of the bill. We will talk to the committee and see if we can vote on the amendment that the Democratic leader just introduced prior to the policy recess.

But having said that, I do need to forewarn all of our colleagues that the managers on these appropriations bills, both the ones over the last 2 weeks as well as the Agriculture appropriations bill we are dealing with, are very patient. They have been very patient. They stay on the floor throughout the day, and they are here many nights and Mondays and Fridays, waiting for our colleagues to offer the amendments that they say they want to offer. It is now time for people to get very serious and come over and, if they have amendments, to offer those amendments.

There is no reason to wait for a Wednesday night or a Thursday night to offer amendments. I do ask our colleagues to contact Senators BENNETT and KOHL now, to work through their amendments.

We are going to have a busy week. Real progress has been made on the judicial nomination to the Supreme Court—last week with the hearings and this week at the committee level. Next week that nomination will be brought to the floor of the Senate, and ultimately we will all have the opportunity to speak and vote.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Tuesday, September 20, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 2005:

DEPARTMENT OF DEFENSE

PETER CYRL WYCH FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICERACK OF THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA, TO WHICH Position he was Appointed DURING THE Recess OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

ERIC S. EDelman of VIRGINIA, TO BE THE SECRETARY OF DEFENSE, VICERACK OF THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA, TO WHICH Position he was Appointed DURING THE Recess OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DEPARTMENT OF STATE


JOHN BOYD BOLTON, OF MARYLAND, TO BE THE RErepresentative OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, TO WHICH Position he was Appointed DURING THE Recess OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANILovich, OF CALIFORNIA, TO BE THE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION, VICERACK OF APPELGARTH, RESIGNED.

NATIONAL LABOR RELATIONS BOARD


DEPARTMENT OF JUSTICE

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICERACK OF CHRISTOPHER A. WHAY TO WHICH Position she was Appointed DURING THE Recess OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

IN THE AIR FORCE

The Following Nominated Officers for Appointment to the Grade Indicated in the United States Air Force under Title 10, U.S.C., Sections 624 and 626:

To be lieutenant colonel

CHRISTINA A. AUSTINSMITH, 0000
ROBERT ALLAN BORCH, JR. 0000
RANDON H. DRAPER, 0000
DEVON DOUGLAS DURBEMBE, 0000
SCOTT T. ECTON, 0000
MARGO P. FELDMAN, 0000
DIERK IVAN GRIMES, 0000

To be colonel

JOHN EUGENIS HARTSHILL, 0000
GRAEME S. HENDERSON, 0000
THOMAS J. JERZIEL, 0000
TROY R. HOLBOYD, 0000
FATIMA A. MURCH, 0000
ROBERT C. MAULOB, 0000
MARK W. MILAM, 0000
RICHARD D. MINE, 0000
WILLIAM C. MULDOON, JR., 0000
LESLIE T. PECLE, 0000
MICHAEL J. ROBERTS, 0000
SEAN A. SAEN, 0000
JAMIE SAMPAOLO, 0000
MAREKES K. SCOTT, 0000
TISHLYN ESTELLE TAYLOR, 0000
PETE W. TELLER, 0000
DONOVAN MARIA TENTMAN, 0000
DONALD L. TYWAIN, JR., 0000
MICHAEL G. VILCEA, 0000
JERRY A. VILLARREAL, 0000
ELIZABETH S. WALSH, 0000
ANDREW S. WILLIAMS, 0000

IN THE ARMY

The Following Named Army National Guard of the United States Officers for Appointment to the Grade Indicated in the Reserve of the Army under Title 10, U.S.C., Sections 624 and 625:

To be colonel

MICHAEL L. BROWN, 0000
KARL P. CIUHR, JR., 0000
THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 625:

To be major

DANIELLE N. BIRD, 0000
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 625:

To be major

RJAN Y. ALLOWITZ, 0000
ALFRED C. ANDERSON, 0000
JAMIE W. ANDERSON, 0000
COLON E. BERGMAN, 0000
JAMES BUSHNALL, 0000
NATHAN CARLSON, 0000
STEVEN K. CHISLEH, 0000
RITA M. DEVOR, 0000
DAVID RICKEL, 0000
JAMES J. HUGHES, 0000
THOMAS H. HUTCHINSON, 0000
SHAWN JEPSON, 0000
LOUIS KUBALLA, 0000
STACY L. LABRUSC, 0000
DON L. LIBRE, 0000
JON D. LAMB, 0000
DOLGOVA LUGU, 0000
JAMES D. LUNGERI, 0000
WINDY J. OHAYER, 0000
JAY OWENS, 0000
SOTTO RANKIN, 0000
GARY STONE, 0000
MARK A. VANCE, 0000

The Following Named Officers for Appointment to the Grade Indicated in the United States Army Medical Corps Under Title 10, U.S.C., Sections 624 and 625:

To be major

ERIC D. AGUILA, 0000
MARK D. BAEK, 0000
JULIE A. AMBROSH, 0000
JOHN ANDERSON, 0000
RICHARD A. ANDERSON, 0000
KARL F. SUHR, JR., 0000
ALFRED S. ANGEL, 0000
ELENA ANTEROMENO, 0000
TODD R. ASKAV, 0000
RAJIV ARORA, 0000
JEFFREY R. BARBER, 0000
DAVID A. BAKER, 0000
JAY E. BAKER, 0000
TROY R. BARKER, 0000
JEFFREY A. BANKS, 0000
R. D. J. BAERDUL, 0000
KATINA D. BARNES, 0000
MATTHEW J. BARRY, 0000
JEREMY M. BRUCAK, 0000
KIM T. BENNETT, 0000
TODD C. BENNETT, 0000
PHILIP BISHOP, 0000
AMIT K. BHABHISH, 0000
ROBERT E. BLEANE, 0000
ANDREW S. BOSTOFF, 0000
LYNDON J. BOWDEN, 0000
MICHAEK W. BOYEN, 0000
RORY A. BRAND, 0000

Alabama and Louisiana and the half-a-million people, predominantly people from New Orleans but also from the gulf coast, Mississippi and Alabama, who are in other States beyond those three.
THE SENATE ON JULY 29, 2005.

...thers the President to the Senate on September 19, 2005,...
EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING JACK CHESTER

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Jack Chester has been recognized for his lifetime of exemplary service to his community and to the Republican Party; and

Whereas, Jack Chester has been acknowledged for his performance and leadership in the areas of law and hospital administration; and

Whereas, Jack Chester should be commended for his service to the United States Navy and in the Electoral College.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Jack Chester for his outstanding accomplishments.

CHILDREN’S SAFETY ACT OF 2005

SPRCE OF HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

The House in Committee of the Whole House on the State of the Union under consideration in bill (H.R. 332) to make improvements to the national sex offender registration program, and for other purposes:

Mr. NADLER. Mr. Chairman, we are faced with an historic opportunity this year to pass legislation to combat violent hate crimes that continue to plague our country.

Despite the brutal killing of Matthew Shepard 7 years ago, Congress has failed to pass the Local Law Enforcement Hate Crimes Prevention Act. We have a rare opportunity today to finally pass this bill as an amendment to a crime bill, and we must not let this opportunity pass us by again.

In the years that followed Matthew Shepard’s death, thousands of hate crimes have been committed and Congress has failed to protect gays, lesbians, bisexuals, and transgender individuals from these heinous crimes.

Tragically, we are all far too familiar with the violent acts of hate crime. Congress has been too slow in responding to the hate crimes that continue to threaten our communities all across America. Time after time, we hear horror stories of murderers attacking innocent people because they happen to be members of a certain community.

Remember, hate crimes are especially odious because they victimize more than just the individual victim; they also are acts of terrorism directed against an entire class of citizens. When a hate crime is committed, it sends a message to every member of the targeted group that they risk their lives simply by remaining part of that community or ascribing to that identity. Americans should never have to be afraid to live the way they choose.

The Conyers amendment would strengthen existing Federal law in two ways. First, it removes the requirement that the victim be engaged in a federally protected activity when the crime is committed. The amendment will thereby make it easier for Federal authorities to prosecute or assist local authorities in prosecuting hate crimes. Second, it expands the definition of hate crimes to include those motivated by gender, gender identity, disability, and sexual orientation.

We must all redouble our efforts to pass sensible hate crimes prevention legislation this year. We must continue our fight to protect American families from violent bigotry and vicious acts of hatred. I urge my colleagues to vote for the Conyers amendment.

H.R. 3673, SUPPLEMENTAL APPROPRIATIONS BILL FOR HURRICANE RELIEF

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the supplemental appropriations bill for the Hurricane Katrina disaster relief.

My heart goes out to the people of New Orleans, and to all the families affected by Katrina in States across the gulf coast. The huge path of devastation Katrina left behind has horrified us all. And we have been equally horrified by the conditions and difficulties confronting the affected families as they struggle to meet life and death challenges brought each day since the hurricane.

As I have, the entire world has been moved by the resiliency and fortitude of these stalwart Americans and their ability to pick up the pieces and move forward. I know that State and local officials in Louisiana and all the affected States take enormous pride in their people and appreciate the outsourcing of assistance that has been rendered to those in need by police, emergency personnel, religious organizations, the Congressional Hispanic Caucus, the Congressional Black Caucus, our military, National Guard, and the community at large.

Tragically, this administration failed to meet its responsibilities, and the Republican leadership in Congress, which oversees our Federal agencies, must share the blame for the terribly inadequate response to Hurricane Katrina by the Federal Emergency Management Agency FEMA and the Department of Homeland Security. Repeatedly, the Republican leadership has cut critical funding and personnel for FEMA. The Federal response along the gulf coast was poorly planned, inadequately coordinated, and just plain late, leaving hundreds of thousands to endure prolonged peril.

In addition to my concern about the human welfare of the victims of Hurricane Katrina, I am also concerned that the inadequate response to this emergency has exposed weaknesses that indicate we may not be adequately prepared to meet the challenge of a terrorist attack or future national disasters. It is essential therefore, that we carefully scrutinize what went wrong. Not to point fingers or place blame, but to identify and to correct our mistakes, and fortify our weaknesses in order to assure the American public that things will be different in the future.

I support this funding bill today, because clearly it is needed. However, I am deeply disappointed in the Republican leadership’s current approach to address this disaster and the weaknesses it has uncovered. With little consultation with Democrats, Congress has already given nearly $60 billion to FEMA, an agency universally recognized to have failed in its mission on the gulf coast. Rather than work in a bi-partisan way to address the weaknesses in FEMA and require accountability for the millions of appropriated dollars, the Republican leadership has unnecessarily rushed through two appropriations bills with little debate and no opportunities for amendment by the House.

Meaningful corrections to our emergency response capabilities will take time and careful consideration by both parties in Congress working together on behalf of the American people. Yet the Republican leadership, again without consulting Democrats, has moved forward with a partisan proposal for oversight hearings controlled by the very same congressional leadership responsible for lack of oversight and inadequate funding of FEMA in the first place.

If we are genuinely interested in getting to the root of the problem, a “no holds barred” analysis of FEMA’s shortcomings is critical. The most effective way to meet this objective is through an investigation conducted by an outside, nonpartisan panel of experts, such as the 9–11 Commission, which shed so much light on our intelligence shortcomings. Even while we are stunned by the devastation of Hurricane Katrina and the fact that FEMA and the administration should have done better, we should not shy away from taking a hard look at what went wrong and how we can correct it. Again, such evaluation does not constitute finger pointing—it is clearly the responsible thing to do. It is a responsible act in order to be adequately prepared for a future crisis or disaster. We owe no less to those who have suffered and lost so much during this disaster and we owe no less to the American people.

I will support this necessary funding today. In the future, however, the Appropriations Committee must be given the opportunity to perform its mission to scrutinize requests carefully. And the House must be allowed the time to debate and amend the bill as necessary.

Mr. Speaker, many have already commented that the response to this national tragedy differs significantly from the bipartisan conduct and unified feeling we had after the
terrorist attacks on September 11. Let's again resolve to proceed in a bipartisan manner to address the underlying problems of our national disaster response as we continue to supply the necessary support to the people of New Orleans and the gulf coast to enable them to put their lives and their communities together again.

TRIBUTE TO HALL OF FAME
COACH JIM BOEHEIM

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. WALSH. Mr. Speaker, I rise today to honor Syracuse University’s Head Coach and my fellow Central New Yorker, Jim Boeheim. On September 10, 2005, Coach Boeheim was inducted into the Basketball Hall of Fame joining the likes of legendary coaches such as Red Auerbach, Lenny Wilkens, and Dean Smith.

On and off the court, Coach Boeheim has proven to be a great leader and a great mentor. Both his colleagues and players admire his coaching abilities as well as his personal traits.

Coach Boeheim became head coach of Syracuse University in 1976 after working as an assistant. Since then, his resume shows a remarkable list of accomplishments:

- 703 career wins;
- 74.5 winning percentage;
- 1 National Championship—2003;
- 10 consecutive NCAA tournament appearances;
- 3 Final Four appearances;
- 40 NCAA Tournament wins;
- 27 20-win seasons;
- Big East All Time Wins Coach;
- Three-time Big East Coach of the Year;
- Eight Big East regular season championships;
- Elected to Greater Syracuse Sports Hall of Fame—1981;
- 2000 Recipient of the Claire Bee Award;
- Three-time USBWA choice for Coach of the Year;
- Nine-time NABC District II Coach of the Year;
- Eighth-fastest Division I coach to reach 600 wins.

Clearly his record alone is worthy of his induction into the Basketball Hall of Fame, but as any Syracuse native can attest, his efforts do not stop on the hardwood floor. Both he and his wife Juli are active community members. They organize and participate in a wide variety of community events; all with the goal of giving back to the people who have given them so much.

‘Topping the Boehims’ list of community endeavors is their creation of Coaches vs. Cancer’s BasketBall. Basket Ball, a yearly celebration of dinner and dancing aimed at raising funds for local American Cancer Society programs and services, has brought in hundreds of thousands of dollars and benefited an untold number of cancer victims.

Mr. Speaker, undoubtedly Coach Boeheim deserves this prestigious honor, and it is with great pleasure that I help recognize his commitment to Syracuse University, Syracuse basketball, and our community as a whole.

HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

SPEECH OF
HON. TIM MURPHY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 13, 2005

Mr. MURPHY. Madam Speaker, 4 years ago today, passengers and crew of United Airlines Flight 93 gave their lives to save others. Congress recognized their heroic actions by passing legislation calling for a permanent memorial in the U.S. Capitol. The presence of mind and strength they exhibited on September 11, 2001 averted an even greater tragedy in the Pittsburgh region.

As passengers and crew of Flight 93 called their loved ones and quickly learned of their fate, they knew what had to be done. Looking out the plane’s windows that clear day, they saw our homes, our schools, and our communities in southwestern Pennsylvania. Valuing human life, something their hijackers did not, they waited to act until they were over an empty field, sparing our lives. Their goal of averting tragedy in our Nation’s capital was realized, but in these final moments, they were also thinking of us.

For their actions that day, families throughout southwestern Pennsylvania hold a special place in their hearts for the passengers and crew of Flight 93. Prayers of thanks go to them for giving their lives to save so many. I encourage every resident of the 18th Congressional District visiting Washington, DC to take time to stop by the memorial after its completion and honor Flight 93. We have our lives, our families, and an enduring example of the human spirit for which to thank them.

A PROCLAMATION RECOGNIZING DON MELHORN

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. NEY. Mr. Speaker: Whereas, Don Melhorn received the President’s Award from the Muskingum County Farm Bureau; and

Whereas, Don Melhorn has been acknowledged by the members of the Muskingum County Farm Bureau for his excellence and commitment toward farming; and

Whereas, Don Melhorn should be commended for his outstanding dedication to the Muskingum County Farm Bureau and for his exceptional knowledge and expertise.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Don Melhorn for receiving the President’s Award.

IN HONOR OF DR. AMANDA BADEN,
2005 ANGEL IN ADOPTION

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an extraordinary woman, Dr. Amanda Baden, who is an outstanding example of someone who has made a critical difference in the lives of children through work on adoption issues. Dr. Baden, a Licensed Psychologist and Assistant Professor at Montclair State College, is my congressional district’s Angel in Adoption. Unfortunately, I was unable to attend the gala honoring her, so I hope to honor her now.

Dr. Baden’s commitment to adoption issues is rooted in her own history: She was born in Hong Kong and adopted as an infant by a couple from New York. She has used her personal experience to advance the understanding of trans-racial adoption by academics and professionals. Her contributions to the adoption community have touched many lives.

Through her passion and determination, she has actively engaged and educated professionals in the adoption process. She co-developed the Cultural-Racial Identity Model, which has gained recognition for its value as an alternative means for considering the identity paths for transracial adoptees.

Dr. Baden, along with Mary O’Leary Wiley, recently published a journal article pertaining to birth parent issues in The Counseling Psychologist. She was also part of the writing team that published the “Outstanding Major Contribution” in The Counseling Psychologist on adoption issues in 2003. She has lectured regionally and nationally and she has co-chaired the series of adoption-related conferences at St. John’s University in New York City. She has conducted numerous workshops about the psychology of adoption for professionals, families, and adoptees of all ages.

I look forward to her soon-to-be-published work, The Handbook of Adoption, which I believe will become a singular reference for families interested in adoption.

In addition, Dr. Baden gives freely of her time to many organizations involved in adoption. She is a consultant and board member to both the Korean Adoptee and Adoptive Family Network (KAAAN) and the Families with Children from China of Greater New York (FCCNY). She also contributes her time to International Adoption Alliance and the Children’s Aid and Family Services organizations in New Jersey. Dr. Baden has even found time to initiate and lead a peer-support group for professionals dealing with issues of adoption in their own fields.

Dr. Baden is highly recommended by her peers in the academic world and by those in the adoption field. She holds a Bachelor of Arts degree in Psychology from Penn State University, a Master of Education in Counseling from Montclair State University, and a Ph.D. in counseling psychology from Michigan State University. I invite you to visit her website www.transracialadoption.net to learn more about her work and adoption issues.

Dr. Amanda Baden is a remarkable individual who has set an example of passion and commitment we should all strive to achieve.

IN HONOR OF DR. AMANDA BADEN,
2005 ANGEL IN ADOPTION

HON. EDOPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. TOWNS. Mr. Speaker, I rise today to express our Nation’s gratitude for the contribution made by the people and Government of
Uganda to the relief efforts in the wake of Hurricane Katrina.

Minister of Foreign Affairs Sam Kutesa was in Washington recently when he announced that his country was donating $200,000 to the Bush-Clinton Katrina Fund. Expressing his government’s appreciation toward the people affected by Hurricane Katrina, Minister Kutesa said: “We know that, under the guidance of the two former presidents, money collected by the Bush-Clinton Katrina Fund will go where it is needed most and where it can be used best.”

While a contribution of $200,000 may seem small in comparison to the vastness of the hurricane’s destruction, please keep in mind that Uganda is a small country that has also suffered its share of devastation.

Americans must remember the terror and oppression of the Idi Amin regime, which came to an end in 1979 but its effects are still being felt. The ruthless dictator Idi Amin deliberately destroyed Uganda’s economy and infrastructure and displaced hundreds of thousands of people from their homes and businesses.

In 1986, after a long civil war, President Yoweri Museveni came into office with promises to stabilize the country, facilitate economic growth, and restore dignity and humanity to the political process. In the years since, he has largely lived up to those promises, although—like any country trying to emerge from decades of tyrannical government—Uganda still has problems that need to be addressed.

Uganda’s contribution to the recovery efforts after Hurricane Katrina should be seen in the context of the bonds of friendship between our two countries. Uganda is a key regional ally in the global war on terror, and through the efforts of President Museveni and his government, East Africa is a more stable place today than it was 20 years ago.

Indeed, Uganda has faced its own, homegrown terrorism, in the form of the brutal Lord’s Resistance Army, which has raped and pillaged the northern part of Uganda and terrorized the population there. Led by religious zealot Joseph Kony, the Lord’s Resistance Army kidnaps children and forces them to be soldiers in a pointless war against their own families and neighbors. There is a very good reason that the Lord’s Resistance Army has consistently been listed as a major terrorist organization by the State Department’s annual publication, Patterns of Global Terrorism.

Uganda also faces a terrorist insurgency by the smaller, but no less deadly, Allied Democratic Forces. The ADF, as it is known, has transcend its tentacles beyond Uganda: Several of its members were captured in Afghanistan fighting for the Taliban and al-Qaeda, and they are now interned by the U.S. government at Guantanamo Bay.

With all this in mind, our gratitude toward Uganda and its people, and particularly toward President Museveni, should be clear and strong.

Mr. Speaker, it recently became my pleasure to become the co-chair of the Congressional Caucus on Uganda. I encourage all Members of this body to consider joining the caucus as well as study more closely the U.S.-Ugandan bilateral relationship and learn more about how Uganda and the United States can work together on matters of mutual concern.

Finally, Mr. Speaker, I ask that an article entitled “Uganda Is Latest African Donor of Relief to Hurricane Katrina,” by Washington File staff writer Jim Fisher-Thompson, be entered into the RECORD. This article treats in more detail some of the issues I have just described.

Uganda Is Latest African Donor of Relief to Hurricane Katrina

WASHINGTON—Uganda has joined other African nations responding to devastation caused by Hurricane Katrina with a donation of $200,000 for relief and rebuilding efforts in New Orleans and communities along the Gulf of Mexico coast.

Visiting Ugandan Foreign Minister Sam Kutesa told the Washington File September 7 that the government of President Yoweri Museveni and the people of Uganda “feel with you and sympathize with you at this time of sorrow. We know you have lost dear ones, as well as considerable property. And we want Americans to know we are thinking of them and are standing shoulder to shoulder with them.”

The official made a point of mentioning the donation matched against the immense sums the United States has already contributed. Although the money would be transferred immediately to the Bush-Clinton Katrina fund.

Hurricane Katrina struck the U.S. Gulf Coast August 29 and subsequent flooding have devastated parts of Louisiana, Mississippi and Alabama and left thousands homeless.

A statement released by the Uganda Embassy September 8 announcing the donation quoted Museveni as saying, “The United States has been generous in responding to natural and humanitarian disasters all over the world, including in Africa. Uganda has more than once been the beneficiary of this generosity and justice requires us to aid the people in Louisiana, Mississippi and Alabama who have lost their homes and loved ones.”

President Bush named his father, a former president, and former President Bill Clinton to head up fund-raising efforts for reconstruction that may cost more than $150 billion. The hope is they can duplicate their very successful efforts for victims of the devastating tsunami that struck South Asia in December 2004.

Kutesa said, “We know that under the guidance of the President, money will go where it is needed most and where it can be used best.

Uganda joins other African nations contributing to Katrina relief including: Djibouti, $50,000; Gabon, $500,000; and Kenya, $100,000.

Noting the symbolic value of the Uganda donation matched against the immense sums needed for reconstruction, Kutesa told the Washington File, “America has been very successful in dealing with the problem of HIV/AIDS and developing its economy. So it is only right that we try to help as much as we can. We wish we could do more but we are limited.”

Kutesa said, “We know what human tragedy can mean. Unfortunately in Africa much of it has been man-made instead of natural. The best friend America has in Africa is New York. Mr. Obofe, for example, led to the deaths of more than 800,000 Ugandans” in the late 1970s and early 1980s.

Now, he said, Uganda is one of the best friends America has in Africa and “we look forward to strengthening our relations as we both cope with the aftermath of disasters that have struck.”

Kutesa’s next stop in America is New York City, where he said he will participate in the annual United Nations General Assembly meeting the week of September 13-17. President Museveni plans to attend with a number of other African leaders.

A highlight of the U.N. gathering, Kutesa said, will be a meeting of the foreign ministers of the Democratic Republic of Congo, Rwanda and Uganda in a tripartite peace process for eastern Congo years ago with the help of the U.S. State Department. After Burundi recently joined, the Great Lakes peace effort is now called the “3 plus 1” talks.

IN RECOGNITION OF DANIEL FINKELSTEIN’S 50 YEARS AS AN ATTORNEY AND LIFETIME OF PUBLIC SERVICE

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Daniel Finkelstein, a great New Yorker and a dear friend of mine. On September 29, 2005, Danny’s friends, family and colleagues will gather to celebrate his 50 years as an attorney. Anniversaries are a time for reflection, and I feel that it is fitting to reflect on the career of a truly remarkable man.

Mr. Finkelstein’s distinguished 50-year career as a real estate litigation attorney has earned him the respect of New York’s legal community; indeed, Danny is widely known as the “Dean” of New York’s landlord-tenant lawyers. In New York City, the City’s largest landlord-tenant lawyer firm, Danny currently serves as the senior partner of Finkelstein Newman LLP.

A graduate of New York University and Brooklyn Law School, Mr. Finkelstein’s professional accomplishments include his service as Senior Real Estate Manager for the Board of Estimate of the City of New York and his role as Assistant Chief Enforcement Attorney to the Temporary State Housing Rent Commission.

Mr. Finkelstein also served as a member of the Board of Directors of the New York County Lawyers’ Association, NYCLA, and was the chair of its Committee on the Civil Court. He is an active member of several NYCLA committees, including the Association’s Committee on the Judiciary and the Civil Court Practice Section.

Danny has made tremendous contributions to the legal profession, but he has also placed a priority on teaching the law to others. For many years, Danny served as an Adjunct Professor of Law at New York Law School and taught courses at New York University’s School of Continuing, and Professional Studies. Mr. Finkelstein’s contributions to legal scholarship include a two-volume, 2000 page treatise on Landlord and Tenant Practice in New York and his service as Editor-in-Chief of Landlord-Tenant Monthly, a new journal published by Treiman Publications.

Additionally, Mr. Finkelstein lectured, in conjunction with Brooklyn, Fordham, and New York Law Schools, on the rights of senior tenants before members of the New York State Bar Association, on the subject of landlord-tenant trials at numerous legal education forums and on arbitration and mediation programs. I am particularly proud of Danny’s work...
to create the nationally recognized and award-winning “Safe Housing for Children” lectures, which were sponsored by NYCLA, the New York Foundling Hospital and Fordham University’s Graduate School of Social Service.

Finally, Mr. Finkelstein received Certificates of Appreciation from Presidents Ford, Nixon, Johnson and Kennedy for his service to the Nation and his contributions to the Military Selective Service Act and Selective Service System.

Mr. Speaker, I request that my colleagues join me in honoring Daniel Finkelstein’s 50 years in the legal profession and his lifetime of service to New York City. Along with Danny’s longtime friends, colleagues and co-workers, I wish him many more years of happiness and outstanding public service.

HONORING GARY MOUNT
HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor Gary Mount on being named the 2005 Apple Grower of the Year by American/Western Fruit Growers Magazine, sponsored by Cerexagri. This award recognizes the progressive approaches, hard work, and dedication to learning of a leading apple grower. New Jersey can be proud to have a native son singled out from among all the apple growers around the Nation.

Mount, a resident of Lawrenceville, New Jersey, has honed his growing skills along with his wife Pam, co-owner of Terhune Orchards in Princeton. Although Mount had grown up on his father’s 300-acre apple farm, he did not originally plan on a farming career. Instead, Mount graduated from Princeton University with a degree in physiological psychology and had planned on pursing his Ph.D. It was only after his experience of joining the Peace Corps and serving in the Central Pacific islands of Micronesia that Mount decided to dedicate his life to farming.

For the past 30 years, Mount has continually pursued his quest to discover the best and most innovative farming techniques. Mount has demonstrated this commitment by attending industry meetings including serving as a member of the International Dwarf Fruit Tree Association, IDFTA for more than 25 years and on the board of directors for 11 years. Additionally, Mount has been treasurer of the New Jersey State Hort Society for about 12 years, former president of the New Jersey State Board of Agriculture, a New Jersey water commissioner for many years, and currently, a soil conservation district supervisor.

Active also in New Jersey Farmland Preservation, Mount’s efforts have helped growers pass legislation that has developed a trusting relationship with consumers who feel confident that the fruit they purchase has not been fertilized with hazardous chemicals.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in congratulating Gary Mount on his 2005 Apple Grower of the Year award.

HONORING THE REVEREND PHILIP CASCIA
HON. ROSA L. DELAUR
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Ms. DELAUR. Mr. Speaker, it is with great pleasure that I rise today to join the many friends, congregation members, and community leaders that pay tribute to an outstanding religious leader and my good friend, Father Philip Cascia. Today marks the end of an era at St. Anthony’s as we bid farewell to a real community treasure.

There is no doubt that Father Cascia has touched the lives of the St. Anthony’s parish. Though he will be missed, the legacy he leaves will continue to inspire others for years to come.

Father Cascia’s commitment to service through religious leadership has been unwavering and his involvement is not only with his congregation, but with the entire Prospect community. One of his first acts after his ordination in 1977 was to establish the community as the St. Vincent dePaul Society in Waterbury. Just a year later, the St. Vincent dePaul Thrift Store opened which was followed in later years by a mental health center, a soup kitchen as well as a homeless shelter—the soup kitchen and homeless shelter have become the largest in Connecticut.

Father Cascia has been a strong leader not only in our community, but in communities across the world. A 1988 trip to the Soviet Union as the coach of the wrestling team at Sacred Heart High School led to the establishment of the Waterbury-Leningrad Intersport Trade commission—a program which arranges exchanges between sports teams in the United States and other countries including China, Vietnam and Brazil. Most recently the Intersport exchange program is hoping to send soccer teams to San Paolo, Brazil, where Father Cascia is overseeing the opening of an orphanage. In addition to the Intersport program, for the last two decades Father Cascia, at the request of the United States Department of State, has also been helping youths in St. Petersburg, Russia. In 1991, he opened an orphanage for victims of the country’s terrible earthquakes, and upon his return, Father Cascia and his parish have been sending much needed supplies to them ever since.

Father Cascia is a man of God—but so, too, is he a man of the people. And he understands that the Church is not simply comprised of people. He understands that the Church is the people—the People of God. He knows that it is the parishioners who support the Church and keep it running—who run its charity events and bake sales—that it is their stories and their lives that infuse the Church with moral authority. There is no better example of living faith with commitment and dignity. Father Cascia’s unparalleled leadership has allowed Saint Anthony’s to flourish. Our churches, as much as they are distinct, all provide innumerable contributions to our communities. He has become a fixture in our community and we owe him a great debt of gratitude for all of his good work and for enriching all of our lives. As a spiritual guide, he has nourished the souls of many—often providing much needed comfort in the harrowing of personal trials. We cannot thank him enough for the indelible mark he has left on this community.

For his outstanding leadership and his many years of special friendship, I am proud to join with the Prospect community in wishing Father Cascia well as he leaves Saint Anthony’s. May God bless him and keep him well as he continues in his mission of peace, compassion, and most importantly, hope.

PERSONAL EXPLANATION
HON. MIKE McINTYRE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. McINTYRE. Mr. Speaker, on Wednesday, September 14, 2005, during consideration of H.R. 3132, I mistakenly voted “yes” on rollover vote No. 469, the Conyers amendment. It was my intention to vote “no” on the Conyers amendment as I had consistently done in the past, and I ask unanimous consent that my statement be entered into the appropriate place in the CONGRESSIONAL RECORD.

A PROCLAMATION RECOGNIZING THE FOUNDATION FOR APPALACHIAN OHIO AS THEY CELEBRATE 5 YEARS OF SERVICE
HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 2005

Mr. NEY. Mr. Speaker:

Whereas the Foundation for Appalachian Ohio is celebrating 5 years of excellence in service to the Appalachian region of Ohio; and

Whereas, the Foundation for Appalachian Ohio has enriched the quality of lives across the 29 counties in Appalachian Ohio; and

Whereas, the Foundation for Appalachian Ohio, through principles based on charity and civic activism, has promoted economic opportunity and re-investment in Appalachian Ohio; and

Whereas, the Foundation for Appalachian Ohio has an established reputation as an organization dedicated to the betterment of Ohio by assisting individuals and organizations with programs, services and resources;

Now, therefore, I, Robert W. Ney, Member of Congress from Ohio, do hereby, in the name of the United States, by and with the advice and consent of the Congress, do hereby proclaim September 19, 2005, as Foundation for Appalachian Ohio’s 5 Years of outstanding service.
## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 20, 2005 may be found in the Daily Digest of today’s RECORD.

### MEETINGS SCHEDULED

#### SEPTEMBER 21

- **9 a.m.** Agriculture, Nutrition, and Forestry  
  To hold hearings to examine the status of the World Trade Organization negotiations on agriculture.  
  SR–328A

- **9:30 a.m.** Commerce, Science, and Transportation  
  To hold hearings to examine energy prices.  
  SD–562

- **Environment and Public Works**  
  Fisheries, Wildlife, and Water Subcommittee  
  To hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments.  
  SD–406

- **Indian Affairs**  
  To hold an oversight hearing to examine Indian gaming.  
  SR–385

- **10 a.m.** Homeland Security and Governmental Affairs  
  To hold hearings to examine:  
  - What lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks.  
  SD–342

- **Small Business and Entrepreneurship**  
  To hold hearings to examine the impact of Hurricane Katrina on small businesses.  
  SR–428A

- **2:30 p.m.** Commerce, Science, and Transportation  
  To hold hearings to examine energy prices.  
  SD–562

- **Foreign Relations**  
  To hold hearings to examine:  
  - The nominations of Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State for Western Hemisphere Affairs; Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras; Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica; and Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica.  
  SD–419

#### SEPTEMBER 22

- **9:30 a.m.** Judiciary  
  Business meeting to consider the nominations of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, S. 1086, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, proposed Personal Data Privacy and Security Act of 2006, S. 751, to require Federal agencies and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, S. 135, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to promote laws to protect communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, and S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children.  
  SD–226

- **10 a.m.** Banking, Housing, and Urban Affairs  
  To hold hearings to examine the financial services industry’s responsibilities and role in preventing identity theft and protecting sensitive financial information.  
  SD–538

- **3 p.m.** Health, Education, Labor, and Pensions  
  Education and Early Childhood Development Subcommittee  
  To hold hearings to examine Hurricane Katrina’s displaced school children.  
  SD–430

#### SEPTEMBER 23

- **10 a.m.** Homeland Security and Governmental Affairs  
  To resume hearings to examine issues relating to the recovery from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow.  
  SD–342

#### SEPTEMBER 24

- **10 a.m.** Energy and Natural Resources  
  To hold hearings to examine:  
  - S. 1701, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program.  
  SD–366

#### SEPTEMBER 28

- **10 a.m.** Commerce, Science, and Transportation  
  To hold hearings to examine:  
  - S. 1384, to provide for integrity and accountability in professional sports, and S. 1114, to establish minimum drug testing standards for major professional sports leagues.  
  SD–216
2:30 p.m.
Indian Affairs
To hold an oversight hearing to examine Indian housing.
SR–485

SEPTEMBER 29
9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the effectiveness and cost of the Defense Travel System of the Department of Defense.
SD–342

10 a.m.
Indian Affairs
To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.
SR–485

OCTOBER 6
9:30 a.m.
Armed Services
To hold hearings to examine U.S. military strategy and operations in Iraq.
SD–106

POSTPONEMENTS
SEPTEMBER 21
2 p.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.
SR–328A
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10165–S10202

Measures Introduced: Nine bills were introduced, as follows: S. 1717–1725.

Agriculture Appropriations: Senate resumed consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto:

Adopted:
- Cochran Amendment No. 1735, to provide for the consideration of the Municipality of Carolina, Puerto Rico as meeting the eligibility requirements for loans and grants programs in the Rural Development mission area.

Pending:
- Bennett/Kohl Amendment No. 1726, to amend the Rural Electrification Act of 1936.
- Reid (for Nelson (NE)) Amendment No. 1732, to prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:45 a.m. on Tuesday, September 20, 2005.

Nominations Received: Senate received the following nominations:
- Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.
- Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy.
- John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.
- John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.
- Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2010, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.
- Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

Routine lists in the Air Force, Army, Navy.

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:
- Terry Neese, of Oklahoma, to be Director of the Mint for a term of five years, which was sent to the Senate on July 29, 2005.

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Measures Read First Time:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Adjournment: Senate convened at 2 p.m., and adjourned at 5:42 p.m., until 9:45 a.m., on Tuesday, September 20, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S10201.)
Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, who was introduced by Senator Dole, and Francis Rooney, of Florida, to be Ambassador to the Holy See, and Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal, who were both introduced by Senator Martinez, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 2 public bills, H.R. 3824–3825; and H. Res. 450, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed as follows:

H. Res. 375, a resolution requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq, adversely (Rept. 109–223) (filed on September 16, 2005);

H. Res. 408, a resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq, adversely (Rept. 109–224) (filed on September 16, 2005); and

H. Res. 419, a resolution directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame, adversely (Rept. 109–225) (filed on September 16, 2005).

Speaker: Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia to act as Speaker pro tempore for today.

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 12 p.m. and adjourned at 12:05 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 20, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, and Patrick M. O’Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, both of the Department of the Treasury, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center, 2:30 p.m., SD–562.

Committee on Energy and Natural Resources: to hold hearings to examine climate change science and economics, focusing on the current state of climate change scientific research and the economics of strategies to manage climate change, including the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions, 10 a.m., SD–366.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine China’s role in Latin America, 2:30 p.m., SD–419.

Committee on the Judiciary: to hold hearings to examine the taking of homes and other private property relating to the Kelo Decision, 10 a.m., SD–226.
Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 CHOB.

House

Committee on Armed Services, to mark up H. Res. 417, Directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of Defense relating to the disclosure of the identity and employment of Ms. Valerie Plame, 7 p.m., 2118 Rayburn.

Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations, hearing entitled “Implementing the Microenterprise Results and Accountability Act of 2004,” 2 p.m., 2172 Rayburn.

Committee on Rules, to consider the following bills: H.R. 2123, School Readiness Act of 2005; and H.R. 250, Manufacturing Technology Competitiveness Act of 2005, 5 p.m., H–313 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Veterans’ Affairs, to hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 CHOB.
Next Meeting of the SENATE
9:45 a.m., Tuesday, September 20

Senate Chamber
Program for Tuesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2744, Agriculture Appropriations.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, September 20

House Chamber
Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE
DeLauro, Rosa L., Conn., E1888
Holt, Rush D., N.J., E1888
McIntyre, Mike, N.C., E1888
Maloney, Carolyn B., N.Y., E1887
Murphy, Jim, Pa., E1886
Nadler, Jerrold, N.Y., E1885, E1886
Ney, Robert W., Ohio, E1885, E1886, E1888
Roybal-Allard, Lucille, Calif., E1885
Towns, Edolphus, N.Y., E1886
Walsh, James T., N.Y., E1886